

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LISA BARBOUNIS	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 2:19-cv-05030-JDW
	:	
-vs-	:	
	:	
THE MIDDLE EAST FORUM, et al.	:	
	:	
Defendants.	:	

**PLAINTIFF LISA BARBOUNIS'S RESPONSES TO
DEFENDANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

1. All documents identified or referenced in response to Defendants' First Set of Interrogatories.

Response:

Plaintiff, Lisa Barbounis has produced documents in connection with Defendants' First Request for Production of Documents including the following documents, the Bates Stamps and description of each set of documents is listed below.

- ☐ MEF Docs 000001 through 000006: text messages between Marnie Meyer and Delaney Yonchek.
- ☐ MEF Docs 000007 through 000009: text messages between Marnie Meyer and Caitriona Brady.
- ☐ MEF Docs 000010 through 000051: Emails and documents produced by Lisa Barbounis from during her employment with The Middle East Forum.
- ☐ MEF Docs 000052 through 000073: text thread between Delaney Yonchek and Patricia McNulty (29 images were also produced that were part of this thread).
- ☐ MEF Docs 000074 through 000103: text thread between Delaney Yonchek, Patricia McNulty, and Lisa Barbounis.
- ☐ MEF Docs 000104 through 000226: text thread between Delaney Yonchek and Lisa Barbounis (146 images were produced that were part of this thread).
- ☐ MEF Docs 000227 through 000461: Articles and documents in connection with The Middle East Forum.

- ☐ MEF Docs 000462 through 000468: text thread between Delaney Yonchek and Marnie Meyer.
- ☐ MEF Docs 000871 through 000874: text thread between Delaney Yonchek, Patricia McNulty, and Caitriona Brady.
- ☐ MEF Docs 000875 through 000877: text thread between Delaney Yonchek, Patricia McNulty, Lisa Barbounis, and Caitriona Brady.
- ☐ MEF Docs 000878 through 000879: text thread between Delaney Yonchek, Caitriona Brady, and Lisa Barbounis.
- ☐ MEF Docs 000880 through 000888: text thread between Caitriona Brady, and Lisa Barbounis and Patricia McNulty.
- ☐ MEF Docs 000889 through 000889: partial transcript from purported telephone call between Matthew Ebert and Greg Roman.
- ☐ MEF Docs 000890 through 000890: Partial text thread between Lisa Barbounis and the MEF Network Administrator.
- ☐ MEF Docs 000891 through 000917: Information related to Declaration of Lisa Barbounis in connection with electronic devices.
- ☐ MEF Docs 000918 through 000919: Email communications.
- ☐ MEF Docs 000920 through 000953 Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000954 through 000961: Email communications.
- ☐ MEF Docs 000962 through 000965: Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000966 through 000995: Email communications.
- ☐ MEF Docs 000996 through 000967: Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000998 through 001002: Handwritten report.
- ☐ MEF Docs 001003 through 001012: Electronic Communications related to The Middle East Forum.
- ☐ MEF Docs 001013 through 001013: Absentee Request.
- ☐ MEF Docs 001014 through 001018: Documents related to Delaney Yonchek.
- ☐ MEF Docs 001015 through 001055 Electronic communications related to The Middle East Forum.
- ☐ LB Supplemental Production 00001 through 00190 The Middle East Forum tax returns for years 2004, 2015, 2016, and 2017 – related to punitive damages.
- ☐ LB Supplemental Production 00191 through 00191 Advertisement for AirBNB in Israel.

- ☐ LB Supplemental Production 00192 through 00198 Tiffany Lee Charge of Discrimination.
- ☐ LB Supplemental Production 00199 through 00200 Letter from Attison Barnes.
- ☐ LB Supplemental Production 00201 through 00201 Letter to Dave Walton.
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- ☐ LB Supplemental Production 00210 through 00210 Information related to MEF Response.
- ☐ LB Supplemental Production 00211 through 00215 Handwritten report.
- ☐ LB Supplemental Production 00216 through 00216 Notice of Charge.
- ☐ LB Supplemental Production 00208 through 00237 Emails and information produced by Lisa Barbounis including emails and Greg Roman LinkedIn Page.
- ☐ LB Supplemental Production 00238 through 00290 Emails and information produced by Lisa Barbounis including emails and insurance information for MEF.
- ☐ LB Supplemental Production 00291 through 00299 Electronic messages related to MEF and Daniel Pipes.
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- ☐ LB Supplemental Production 00305 through 00345 Electronic messages related to MEF and Daniel Pipes including text messages between Lisa Barbounis and Patricia McNulty sent in real time while Lisa Barbounis was in Israel with Greg Roman.
- ☐ Plaintiff has also produced recordings of Daniel Thomas and Tommy Robinson discussing Greg Roman's illegal offer of money for testimony.
- ☐ Plaintiff has also produced a recording of Alana Goodman describing Greg Roman's sexual harassment including exposing his penis in front of Ms. Goodman and trying to trade sex for stories – including threats.
- ☐ Plaintiff has also produced the comprehensive narrative report of Dr. Zakireh related to the claim of emotional distress made by Lisa Barbounis.
- ☐ Plaintiff has also produced several hundred thousand documents taken from Lisa Barbounis's electronic devices, social media accounts, emails accounts, and cloud based storage accounts. Plaintiff and Defendants received this production at the same time. Accordingly, all documents produced through are equally accessible to Defendants as Plaintiff.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

2. All documents relating to Plaintiff's employment with The Forum, including, but not limited to, resumes, employment applications, performance evaluations and/or improvement plans, commendations, explanations or promises of benefits, records of benefits, employee handbooks, rules and/or policies, job assignments, changes in job assignments, notification of salary increases, pay stubs or earnings summaries, complaints or communications to any other employees of The Forum.

Response:

- ☐ MEF Docs 000001 through 000006: text messages between Marnie Meyer and Delaney Yonchek.
- ☐ MEF Docs 000007 through 000009: text messages between Marnie Meyer and Caitriona Brady.
- ☐ MEF Docs 000010 through 000051: Emails and documents produced by Lisa Barbounis from during her employment with The Middle East Forum.
- ☐ MEF Docs 000052 through 000073: text thread between Delaney Yonchek and Patricia McNulty (29 images were also produced that were part of this thread).
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- ☐ MEF Docs 000104 through 000226: text thread between Delaney Yonchek and Lisa Barbounis (146 images were produced that were part of this thread).
- ☐ MEF Docs 000227 through 000461: Articles and documents in connection with The Middle East Forum.
- ☐ MEF Docs 000462 through 000468: text thread between Delaney Yonchek and Marnie Meyer.
- ☐ MEF Docs 000871 through 000874: text thread between Delaney Yonchek, Patricia McNulty, and Caitriona Brady.
- ☐ MEF Docs 000875 through 000877: text thread between Delaney Yonchek, Patricia McNulty, Lisa Barbounis, and Caitriona Brady.
- ☐ MEF Docs 000878 through 000879: text thread between Delaney Yonchek, Caitriona Brady, and Lisa Barbounis.
- ☐ MEF Docs 000880 through 000888: text thread between Caitriona Brady, and Lisa Barbounis and Patricia McNulty.
- ☐ MEF Docs 000889 through 000889: partial transcript from purported telephone call between Matthew Ebert and Greg Roman.
- ☐ MEF Docs 000890 through 000890: Partial text thread between Lisa Barbounis and the MEF Network Administrator.

- ☐ MEF Docs 000891 through 000917: Information related to Declaration of Lisa Barbounis in connection with electronic devices.
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- ☐ MEF Docs 000998 through 001002: Handwritten report.
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- ☐ LB Supplemental Production 00208 through 00237 Emails and information produced by Lisa Barbounis including emails and Greg Roman LinkedIn Page.
- ☐ LB Supplemental Production 00238 through 00290 Emails and information produced by Lisa Barbounis including emails and insurance information for MEF.

- ☐ LB Supplemental Production 00291 through 00299 Electronic messages related to MEF and Daniel Pipes.
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- ☐ Plaintiff has also produced a recording of Alana Goodman describing Greg Roman's sexual harassment including exposing his penis in front of Ms. Goodman and trying to trade sex for stories – including threats.
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- ☐ Plaintiff has also produced several hundred thousand documents taken from Lisa Barbounis's electronic devices, social media accounts, emails accounts, and cloud based storage accounts. Plaintiff and Defendants received this production at the same time. Accordingly, all documents produced through are equally accessible to Defendants as Plaintiff.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

3. Any and all correspondence, memoranda, and notes to and from Plaintiff about any matter related to Plaintiff's employment with The Forum.

Response:

- ☐ MEF Docs 000001 through 000006: text messages between Marnie Meyer and Delaney Yonchek.
- ☐ MEF Docs 000007 through 000009: text messages between Marnie Meyer and Caitriona Brady.
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- ☐ MEF Docs 001014 through 001018: Documents related to Delaney Yonchek.
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- ☐ LB Supplemental Production 00001 through 00190 The Middle East Forum tax returns for years 2004, 2015, 2016, and 2017 – related to punitive damages.
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- ☐ Plaintiff has also produced several hundred thousand documents taken from Lisa Barbounis's electronic devices, social media accounts, emails accounts, and cloud based storage accounts. Plaintiff and Defendants received this production at the same time. Accordingly, all documents produced through are equally accessible to Defendants as Plaintiff.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

4. Any and all correspondence, memoranda, and notes to and from Plaintiff about the facts alleged in Plaintiff's Amended Complaint in this action.

Response:

Plaintiff has identified the documents produced in response to Defendants First Request For Production of Documents. See Plaintiff's Response to Request Number 1, above. By way of further answer, Plaintiff is not in possession of any additional notes, correspondence, or memorandum in connection with the facts alleged in the Amended Complaint.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

5. All documents that Plaintiff maintained as personal records, notes, calendars (paper and/or electronic), and/or diaries regarding her employment with The Forum, her salary and/or benefits from The Forum, the facts alleged in Plaintiff's Amended Complaint, or any discussions relating thereto with any employees and/or agents of The Forum.

Response:

- ☐ MEF Docs 000001 through 000006: text messages between Marnie Meyer and Delaney Yonchek.
- ☐ MEF Docs 000007 through 000009: text messages between Marnie Meyer and Caitriona Brady.
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- ☐ MEF Docs 000998 through 001002: Handwritten report.
- ☐ MEF Docs 001003 through 001012: Electronic Communications related to The Middle East Forum.
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- ☐ Plaintiff has also produced recordings of Daniel Thomas and Tommy Robinson discussing Greg Roman's illegal offer of money for testimony.
- ☐ Plaintiff has also produced a recording of Alana Goodman describing Greg Roman's sexual harassment including exposing his penis in front of Ms. Goodman and trying to trade sex for stories – including threats.

Plaintiff is not in possession of any other documents responsive to this request. Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

6. All documents, including emails and other electronic communications, exchanged between you and any current or former employee or agent of The Forum from October 16, 2017 to present relating to any or all of the conduct alleged in the Amended Complaint. This request includes, but is not limited to, letters, notes, email messages, social media messages and postings, and text messages.

Response:

- ☐ MEF Docs 000001 through 000006: text messages between Marnie Meyer and Delaney Yonchek.

- ☐ MEF Docs 000007 through 000009: text messages between Marnie Meyer and Caitriona Brady.
- ☐ MEF Docs 000010 through 000051: Emails and documents produced by Lisa Barbounis from during her employment with The Middle East Forum.
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- ☐ MEF Docs 000998 through 001002: Handwritten report.
- ☐ MEF Docs 001003 through 001012: Electronic Communications related to The Middle East Forum.
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- ☐ Plaintiff has also produced a recording of Alana Goodman describing Greg Roman's sexual harassment including exposing his penis in front of Ms. Goodman and trying to trade sex for stories – including threats.

Plaintiff is not in possession of any other documents responsive to this request. Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

7. All documents relating to and supporting the allegations of sexual misconduct occurring in Israel as alleged in Plaintiff's Amended Complaint, including but not limited to the allegations set forth in paragraphs 187-232 of the Amended Complaint. This request includes but is not limited to, letters, notes, email messages, social media messages and postings, and text messages.

Response:

- ☐ MEF Docs 000001 through 000006: text messages between Marnie Meyer and Delaney Yonchek.
- ☐ MEF Docs 000007 through 000009: text messages between Marnie Meyer and Caitriona Brady.
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- ☐ MEF Docs 001014 through 001018: Documents related to Delaney Yonchek.
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- ☐ LB Supplemental Production 00001 through 00190 The Middle East Forum tax returns for years 2004, 2015, 2016, and 2017 – related to punitive damages.
- ☐ LB Supplemental Production 00191 through 00191 Advertisement for AirBNB in Israel.
- ☐ LB Supplemental Production 00192 through 00198 Tiffany Lee Charge of Discrimination.
- ☐ LB Supplemental Production 00199 through 00200 Letter from Attison Barnes.
- ☐ LB Supplemental Production 00201 through 00201 Letter to Dave Walton.
- ☐ LB Supplemental Production 00202 through 00209 Letter from Dave Walton.
- ☐ LB Supplemental Production 00210 through 00210 Information related to MEF Response.
- ☐ LB Supplemental Production 00211 through 00215 Handwritten report.
- ☐ LB Supplemental Production 00216 through 00216 Notice of Charge.

- ☐ LB Supplemental Production 00208 through 00237 Emails and information produced by Lisa Barbounis including emails and Greg Roman LinkedIn Page.
- ☐ LB Supplemental Production 00238 through 00290 Emails and information produced by Lisa Barbounis including emails and insurance information for MEF.
- ☐ LB Supplemental Production 00291 through 00299 Electronic messages related to MEF and Daniel Pipes.
- ☐ LB Supplemental Production 00300 through 00304 Electronic messages related to MEF and Daniel Pipes.
- ☐ LB Supplemental Production 00305 through 00345 Electronic messages related to MEF and Daniel Pipes including text messages between Lisa Barbounis and Patricia McNulty sent in real time while Lisa Barbounis was in Israel with Greg Roman.
- ☐ Plaintiff has also produced recordings of Daniel Thomas and Tommy Robinson discussing Greg Roman's illegal offer of money for testimony.
- ☐ Plaintiff has also produced a recording of Alana Goodman describing Greg Roman's sexual harassment including exposing his penis in front of Ms. Goodman and trying to trade sex for stories – including threats.
- ☐ Plaintiff has also produced the comprehensive narrative report of Dr. Zakireh related to the claim of emotional distress made by Lisa Barbounis.
- ☐ Plaintiff has also produced several hundred thousand documents taken from Lisa Barbounis's electronic devices, social media accounts, emails accounts, and cloud based storage accounts. Plaintiff and Defendants received this production at the same time. Accordingly, all documents produced through are equally accessible to Defendants as Plaintiff.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

8. All documents relating to and supporting the allegations of sexual misconduct occurring in Washington D.C. as alleged in Plaintiff's Amended Complaint, including but not limited to the allegations set forth in paragraphs 34, 73, 74, 308, and 325 of the Amended Complaint. This request includes but is not limited to, letters, notes, email messages, social media messages and postings, and text messages.

Response:

See the recording produced in connection with a conversation between Lisa Barbounis and Alana Goodman. Plaintiff is not in possession of any other documents responsive to this request.

9. All documents relating to Plaintiff's effort to report the alleged incidents of sexual misconduct, hostile work environment, discrimination, and/or harassment based on your gender to MEF as alleged in Plaintiff's Amended Complaint, including but not limited to the allegations set forth in paragraphs 38, 296, 297, 307-310, 326 of the Amended Complaint.

Response:

- ☐ MEF Docs 000001 through 000006: text messages between Marnie Meyer and Delaney Yonchek.
- ☐ MEF Docs 000007 through 000009: text messages between Marnie Meyer and Caitriona Brady.
- ☐ MEF Docs 000010 through 000051: Emails and documents produced by Lisa Barbounis from during her employment with The Middle East Forum.
- ☐ MEF Docs 000052 through 000073: text thread between Delaney Yonchek and Patricia McNulty (29 images were also produced that were part of this thread).
- ☐ MEF Docs 000074 through 000103: text thread between Delaney Yonchek, Patricia McNulty, and Lisa Barbounis.
- ☐ MEF Docs 000104 through 000226: text thread between Delaney Yonchek and Lisa Barbounis (146 images were produced that were part of this thread).
- ☐ MEF Docs 000227 through 000461: Articles and documents in connection with The Middle East Forum.
- ☐ MEF Docs 000462 through 000468: text thread between Delaney Yonchek and Marnie Meyer.
- ☐ MEF Docs 000871 through 000874: text thread between Delaney Yonchek, Patricia McNulty, and Caitriona Brady.
- ☐ MEF Docs 000875 through 000877: text thread between Delaney Yonchek, Patricia McNulty, Lisa Barbounis, and Caitriona Brady.
- ☐ MEF Docs 000878 through 000879: text thread between Delaney Yonchek, Caitriona Brady, and Lisa Barbounis.
- ☐ MEF Docs 000880 through 000888: text thread between Caitriona Brady, and Lisa Barbounis and Patricia McNulty.
- ☐ MEF Docs 000889 through 000889: partial transcript from purported telephone call between Matthew Ebert and Greg Roman.
- ☐ MEF Docs 000890 through 000890: Partial text thread between Lisa Barbounis and the MEF Network Administrator.
- ☐ MEF Docs 000891 through 000917: Information related to Declaration of Lisa Barbounis in connection with electronic devices.

- ☐ MEF Docs 000918 through 000919: Email communications.
- ☐ MEF Docs 000920 through 000953 Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000954 through 000961: Email communications.
- ☐ MEF Docs 000962 through 000965: Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000966 through 000995: Email communications.
- ☐ MEF Docs 000996 through 000967: Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000998 through 001002: Handwritten report.
- ☐ MEF Docs 001003 through 001012: Electronic Communications related to The Middle East Forum.
- ☐ MEF Docs 001013 through 001013: Absentee Request.
- ☐ MEF Docs 001014 through 001018: Documents related to Delaney Yonchek.
- ☐ MEF Docs 001015 through 001055 Electronic communications related to The Middle East Forum.
- ☐ LB Supplemental Production 00001 through 00190 The Middle East Forum tax returns for years 2004, 2015, 2016, and 2017 – related to punitive damages.
- ☐ LB Supplemental Production 00191 through 00191 Advertisement for AirBNB in Israel.
- ☐ LB Supplemental Production 00192 through 00198 Tiffany Lee Charge of Discrimination.
- ☐ LB Supplemental Production 00199 through 00200 Letter from Attison Barnes.
- ☐ LB Supplemental Production 00201 through 00201 Letter to Dave Walton.
- ☐ LB Supplemental Production 00202 through 00209 Letter from Dave Walton.
- ☐ LB Supplemental Production 00210 through 00210 Information related to MEF Response.
- ☐ LB Supplemental Production 00211 through 00215 Handwritten report.
- ☐ LB Supplemental Production 00216 through 00216 Notice of Charge.
- ☐ LB Supplemental Production 00208 through 00237 Emails and information produced by Lisa Barbounis including emails and Greg Roman LinkedIn Page.
- ☐ LB Supplemental Production 00238 through 00290 Emails and information produced by Lisa Barbounis including emails and insurance information for MEF.
- ☐ LB Supplemental Production 00291 through 00299 Electronic messages related to MEF and Daniel Pipes.

- ☐ LB Supplemental Production 00300 through 00304 Electronic messages related to MEF and Daniel Pipes.
- ☐ LB Supplemental Production 00305 through 00345 Electronic messages related to MEF and Daniel Pipes including text messages between Lisa Barbounis and Patricia McNulty sent in real time while Lisa Barbounis was in Israel with Greg Roman.
- ☐ Plaintiff has also produced recordings of Daniel Thomas and Tommy Robinson discussing Greg Roman's illegal offer of money for testimony.
- ☐ Plaintiff has also produced a recording of Alana Goodman describing Greg Roman's sexual harassment including exposing his penis in front of Ms. Goodman and trying to trade sex for stories – including threats.
- ☐ Plaintiff has also produced the comprehensive narrative report of Dr. Zakireh related to the claim of emotional distress made by Lisa Barbounis.
- ☐ Plaintiff has also produced several hundred thousand documents taken from Lisa Barbounis's electronic devices, social media accounts, emails accounts, and cloud based storage accounts. Plaintiff and Defendants received this production at the same time. Accordingly, all documents produced through are equally accessible to Defendants as Plaintiff.

By way of further answer, Plaintiff made many of the reports as alleged in the complaint verbally as Defendants did not maintain an antidiscrimination policy and the harassment was a proxy for the organization and Plaintiff feared retaliation and that written reports would be futile. Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

10. All documents relating to the alleged ongoing campaign of discrimination, hostile work environment, harassment and/ or retaliation as alleged in Plaintiff's Amended Complaint, including but not limited to the allegations set forth in paragraphs 19, 20, 22, 23, 27, 30, 31, 34, 75, 81-84, 196, 216, 223, 245, 252, 260, 283, 358, 360-364, 382-383, 390, 399, and 414 of the Amended Complaint.

Response:

- ☐ MEF Docs 000001 through 000006: text messages between Marnie Meyer and Delaney Yonchek.
- ☐ MEF Docs 000007 through 000009: text messages between Marnie Meyer and Caitriona Brady.
- ☐ MEF Docs 000010 through 000051: Emails and documents produced by Lisa Barbounis from during her employment with The Middle East Forum.
- ☐ MEF Docs 000052 through 000073: text thread between Delaney Yonchek and Patricia McNulty (29 images were also produced that were part of this thread).

- ☐ MEF Docs 000074 through 000103: text thread between Delaney Yonchek, Patricia McNulty, and Lisa Barbounis.
- ☐ MEF Docs 000104 through 000226: text thread between Delaney Yonchek and Lisa Barbounis (146 images were produced that were part of this thread).
- ☐ MEF Docs 000227 through 000461: Articles and documents in connection with The Middle East Forum.
- ☐ MEF Docs 000462 through 000468: text thread between Delaney Yonchek and Marnie Meyer.
- ☐ MEF Docs 000871 through 000874: text thread between Delaney Yonchek, Patricia McNulty, and Caitriona Brady.
- ☐ MEF Docs 000875 through 000877: text thread between Delaney Yonchek, Patricia McNulty, Lisa Barbounis, and Caitriona Brady.
- ☐ MEF Docs 000878 through 000879: text thread between Delaney Yonchek, Caitriona Brady, and Lisa Barbounis.
- ☐ MEF Docs 000880 through 000888: text thread between Caitriona Brady, and Lisa Barbounis and Patricia McNulty.
- ☐ MEF Docs 000889 through 000889: partial transcript from purported telephone call between Matthew Ebert and Greg Roman.
- ☐ MEF Docs 000890 through 000890: Partial text thread between Lisa Barbounis and the MEF Network Administrator.
- ☐ MEF Docs 000891 through 000917: Information related to Declaration of Lisa Barbounis in connection with electronic devices.
- ☐ MEF Docs 000918 through 000919: Email communications.
- ☐ MEF Docs 000920 through 000953 Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000954 through 000961: Email communications.
- ☐ MEF Docs 000962 through 000965: Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000966 through 000995: Email communications.
- ☐ MEF Docs 000996 through 000967: Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000998 through 001002: Handwritten report.
- ☐ MEF Docs 001003 through 001012: Electronic Communications related to The Middle East Forum.
- ☐ MEF Docs 001013 through 001013: Absentee Request.
- ☐ MEF Docs 001014 through 001018: Documents related to Delaney Yonchek.

- ☐ MEF Docs 001015 through 001055 Electronic communications related to The Middle East Forum.
- ☐ LB Supplemental Production 00001 through 00190 The Middle East Forum tax returns for years 2004, 2015, 2016, and 2017 – related to punitive damages.
- ☐ LB Supplemental Production 00191 through 00191 Advertisement for AirBNB in Israel.
- ☐ LB Supplemental Production 00192 through 00198 Tiffany Lee Charge of Discrimination.
- ☐ LB Supplemental Production 00199 through 00200 Letter from Attison Barnes.
- ☐ LB Supplemental Production 00201 through 00201 Letter to Dave Walton.
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- ☐ LB Supplemental Production 00210 through 00210 Information related to MEF Response.
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- ☐ LB Supplemental Production 00216 through 00216 Notice of Charge.
- ☐ LB Supplemental Production 00208 through 00237 Emails and information produced by Lisa Barbounis including emails and Greg Roman LinkedIn Page.
- ☐ LB Supplemental Production 00238 through 00290 Emails and information produced by Lisa Barbounis including emails and insurance information for MEF.
- ☐ LB Supplemental Production 00291 through 00299 Electronic messages related to MEF and Daniel Pipes.
- ☐ LB Supplemental Production 00300 through 00304 Electronic messages related to MEF and Daniel Pipes.
- ☐ LB Supplemental Production 00305 through 00345 Electronic messages related to MEF and Daniel Pipes including text messages between Lisa Barbounis and Patricia McNulty sent in real time while Lisa Barbounis was in Israel with Greg Roman.
- ☐ Plaintiff has also produced recordings of Daniel Thomas and Tommy Robinson discussing Greg Roman's illegal offer of money for testimony.
- ☐ Plaintiff has also produced a recording of Alana Goodman describing Greg Roman's sexual harassment including exposing his penis in front of Ms. Goodman and trying to trade sex for stories – including threats.
- ☐ Plaintiff has also produced the comprehensive narrative report of Dr. Zakireh related to the claim of emotional distress made by Lisa Barbounis.
- ☐ Plaintiff has also produced several hundred thousand documents taken from Lisa Barbounis's electronic devices, social media accounts, emails accounts, and cloud based storage accounts. Plaintiff and Defendants received this production at the same time. Accordingly, all documents produced through are equally accessible to Defendants as Plaintiff.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

11. All documents relating to your contention that Pipes permitted and condoned Roman's discrimination and harassment of you as alleged in Plaintiff's Amended Complaint, including but not limited to paragraphs 329-339.

Response:

- ☐ MEF Docs 000001 through 000006: text messages between Marnie Meyer and Delaney Yonchek.
- ☐ MEF Docs 000007 through 000009: text messages between Marnie Meyer and Caitriona Brady.
- ☐ MEF Docs 000010 through 000051: Emails and documents produced by Lisa Barbounis from during her employment with The Middle East Forum.
- ☐ MEF Docs 000052 through 000073: text thread between Delaney Yonchek and Patricia McNulty (29 images were also produced that were part of this thread).
- ☐ MEF Docs 000074 through 000103: text thread between Delaney Yonchek, Patricia McNulty, and Lisa Barbounis.
- ☐ MEF Docs 000104 through 000226: text thread between Delaney Yonchek and Lisa Barbounis (146 images were produced that were part of this thread).
- ☐ MEF Docs 000227 through 000461: Articles and documents in connection with The Middle East Forum.
- ☐ MEF Docs 000462 through 000468: text thread between Delaney Yonchek and Marnie Meyer.
- ☐ MEF Docs 000871 through 000874: text thread between Delaney Yonchek, Patricia McNulty, and Caitriona Brady.
- ☐ MEF Docs 000875 through 000877: text thread between Delaney Yonchek, Patricia McNulty, Lisa Barbounis, and Caitriona Brady.
- ☐ MEF Docs 000878 through 000879: text thread between Delaney Yonchek, Caitriona Brady, and Lisa Barbounis.
- ☐ MEF Docs 000880 through 000888: text thread between Caitriona Brady, and Lisa Barbounis and Patricia McNulty.
- ☐ MEF Docs 000889 through 000889: partial transcript from purported telephone call between Matthew Ebert and Greg Roman.

- ☐ MEF Docs 000890 through 000890: Partial text thread between Lisa Barbounis and the MEF Network Administrator.
- ☐ MEF Docs 000891 through 000917: Information related to Declaration of Lisa Barbounis in connection with electronic devices.
- ☐ MEF Docs 000918 through 000919: Email communications.
- ☐ MEF Docs 000920 through 000953 Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000954 through 000961: Email communications.
- ☐ MEF Docs 000962 through 000965: Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000966 through 000995: Email communications.
- ☐ MEF Docs 000996 through 000967: Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000998 through 001002: Handwritten report.
- ☐ MEF Docs 001003 through 001012: Electronic Communications related to The Middle East Forum.
- ☐ MEF Docs 001013 through 001013: Absentee Request.
- ☐ MEF Docs 001014 through 001018: Documents related to Delaney Yonchek.
- ☐ MEF Docs 001015 through 001055 Electronic communications related to The Middle East Forum.
- ☐ LB Supplemental Production 00001 through 00190 The Middle East Forum tax returns for years 2004, 2015, 2016, and 2017 – related to punitive damages.
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- ☐ LB Supplemental Production 00192 through 00198 Tiffany Lee Charge of Discrimination.
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- ☐ LB Supplemental Production 00201 through 00201 Letter to Dave Walton.
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- ☐ LB Supplemental Production 00211 through 00215 Handwritten report.
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- ☐ LB Supplemental Production 00208 through 00237 Emails and information produced by Lisa Barbounis including emails and Greg Roman LinkedIn Page.

- ☐ LB Supplemental Production 00238 through 00290 Emails and information produced by Lisa Barbounis including emails and insurance information for MEF.
- ☐ LB Supplemental Production 00291 through 00299 Electronic messages related to MEF and Daniel Pipes.
- ☐ LB Supplemental Production 00300 through 00304 Electronic messages related to MEF and Daniel Pipes.
- ☐ LB Supplemental Production 00305 through 00345 Electronic messages related to MEF and Daniel Pipes including text messages between Lisa Barbounis and Patricia McNulty sent in real time while Lisa Barbounis was in Israel with Greg Roman.
- ☐ Plaintiff has also produced recordings of Daniel Thomas and Tommy Robinson discussing Greg Roman's illegal offer of money for testimony.
- ☐ Plaintiff has also produced a recording of Alana Goodman describing Greg Roman's sexual harassment including exposing his penis in front of Ms. Goodman and trying to trade sex for stories – including threats.
- ☐ Plaintiff has also produced the comprehensive narrative report of Dr. Zakireh related to the claim of emotional distress made by Lisa Barbounis.
- ☐ Plaintiff has also produced several hundred thousand documents taken from Lisa Barbounis's electronic devices, social media accounts, emails accounts, and cloud based storage accounts. Plaintiff and Defendants received this production at the same time. Accordingly, all documents produced through are equally accessible to Defendants as Plaintiff.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

12. All documents relating to the damages or other relief you are seeking in this action.

Response:

- ☐ MEF Docs 000001 through 000006: text messages between Marnie Meyer and Delaney Yonchek.
- ☐ MEF Docs 000007 through 000009: text messages between Marnie Meyer and Caitriona Brady.
- ☐ MEF Docs 000010 through 000051: Emails and documents produced by Lisa Barbounis from during her employment with The Middle East Forum.
- ☐ MEF Docs 000052 through 000073: text thread between Delaney Yonchek and Patricia McNulty (29 images were also produced that were part of this thread).

- ☐ MEF Docs 000074 through 000103: text thread between Delaney Yonchek, Patricia McNulty, and Lisa Barbounis.
- ☐ MEF Docs 000104 through 000226: text thread between Delaney Yonchek and Lisa Barbounis (146 images were produced that were part of this thread).
- ☐ MEF Docs 000227 through 000461: Articles and documents in connection with The Middle East Forum.
- ☐ MEF Docs 000462 through 000468: text thread between Delaney Yonchek and Marnie Meyer.
- ☐ MEF Docs 000871 through 000874: text thread between Delaney Yonchek, Patricia McNulty, and Caitriona Brady.
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- ☐ MEF Docs 000890 through 000890: Partial text thread between Lisa Barbounis and the MEF Network Administrator.
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- ☐ MEF Docs 000954 through 000961: Email communications.
- ☐ MEF Docs 000962 through 000965: Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000966 through 000995: Email communications.
- ☐ MEF Docs 000996 through 000967: Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000998 through 001002: Handwritten report.
- ☐ MEF Docs 001003 through 001012: Electronic Communications related to The Middle East Forum.
- ☐ MEF Docs 001013 through 001013: Absentee Request.
- ☐ MEF Docs 001014 through 001018: Documents related to Delaney Yonchek.

- ☐ MEF Docs 001015 through 001055 Electronic communications related to The Middle East Forum.
- ☐ LB Supplemental Production 00001 through 00190 The Middle East Forum tax returns for years 2004, 2015, 2016, and 2017 – related to punitive damages.
- ☐ LB Supplemental Production 00191 through 00191 Advertisement for AirBNB in Israel.
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- ☐ Plaintiff has also produced recordings of Daniel Thomas and Tommy Robinson discussing Greg Roman's illegal offer of money for testimony.
- ☐ Plaintiff has also produced a recording of Alana Goodman describing Greg Roman's sexual harassment including exposing his penis in front of Ms. Goodman and trying to trade sex for stories – including threats.
- ☐ Plaintiff has also produced the comprehensive narrative report of Dr. Zakireh related to the claim of emotional distress made by Lisa Barbounis.
- ☐ Plaintiff has also produced several hundred thousand documents taken from Lisa Barbounis's electronic devices, social media accounts, emails accounts, and cloud based storage accounts. Plaintiff and Defendants received this production at the same time. Accordingly, all documents produced through are equally accessible to Defendants as Plaintiff.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

13. All documents relating to your alleged emotional distress.

Response:

- ☐ MEF Docs 000001 through 000006: text messages between Marnie Meyer and Delaney Yonchek.
- ☐ MEF Docs 000007 through 000009: text messages between Marnie Meyer and Caitriona Brady.
- ☐ MEF Docs 000010 through 000051: Emails and documents produced by Lisa Barbounis from during her employment with The Middle East Forum.
- ☐ MEF Docs 000052 through 000073: text thread between Delaney Yonchek and Patricia McNulty (29 images were also produced that were part of this thread).
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- ☐ MEF Docs 000104 through 000226: text thread between Delaney Yonchek and Lisa Barbounis (146 images were produced that were part of this thread).
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- ☐ MEF Docs 000875 through 000877: text thread between Delaney Yonchek, Patricia McNulty, Lisa Barbounis, and Caitriona Brady.
- ☐ MEF Docs 000878 through 000879: text thread between Delaney Yonchek, Caitriona Brady, and Lisa Barbounis.
- ☐ MEF Docs 000880 through 000888: text thread between Caitriona Brady, and Lisa Barbounis and Patricia McNulty.
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- ☐ MEF Docs 000890 through 000890: Partial text thread between Lisa Barbounis and the MEF Network Administrator.

- ☐ MEF Docs 000891 through 000917: Information related to Declaration of Lisa Barbounis in connection with electronic devices.
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- ☐ LB Supplemental Production 00291 through 00299 Electronic messages related to MEF and Daniel Pipes.
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- ☐ Plaintiff has also produced the comprehensive narrative report of Dr. Zakireh related to the claim of emotional distress made by Lisa Barbounis.
- ☐ Plaintiff has also produced several hundred thousand documents taken from Lisa Barbounis's electronic devices, social media accounts, emails accounts, and cloud based storage accounts. Plaintiff and Defendants received this production at the same time. Accordingly, all documents produced through are equally accessible to Defendants as Plaintiff.

By way of further answer, see Plaintiff's Confidential Medical Records Bates Stamped 0001 through 0252 which are medical records reviewed by Dr. Zakireh in connection with Plaintiff's claim for emotional distress.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

14. All statements or affidavits by individuals relating to or supporting the allegations you have made in this action, including any statements made by Defendants, their agents, or employees.

Response:

Plaintiff has produced all documents related to this Request but reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order. Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

15. All documents relating to your application for or receipt of any disability benefits (including but not limited to social security disability benefits), worker's compensation benefits, and/or unemployment compensation benefits.

Response:

Plaintiff is not in receipt of benefits in connection with this Request. Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

16. All documents relating to any employment you have had, including self-employment, including but not limited to, documents relating to any offer of employment; job title; job status; rate of pay; benefits; change in job title, status, or rate of pay; termination of employment, if any; descriptions of jobs held and work performed; employee handbooks; and employee benefits.

Response:

Plaintiff moved directly from The Middle East Forum to a position working for Congressman Randy Weber. Plaintiff objects to providing employment records in connection with Congressman Randy Weber as Plaintiff earns more money today than she earned during her employment with The Middle East Forum. Accordingly, the employment records from future employment are not relevant and the request is not proportional to the needs of this litigation. Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

17. Copies of your bank records, checks or cancelled checks, and/or deposit statements for any transaction relating to your receipt of any funds from The Forum, including, but not limited to, salary and severance payments, from October 16, 2017 to present.

Response:

Plaintiff is not in possession of any documents related to this Request. The only money Plaintiff received from The Middle East Forum was paid through Plaintiff's w2 paycheck. Any documents related to Plaintiff's salaries/wages are already in the possession of the Defendants and are more accessible to Defendants than Plaintiff. Accordingly this request is overly broad, unduly burdensome and not proportional to the needs of this litigation. Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

18. Copies of all portions of your income tax returns relating to any source of income, including W2 forms and all other attachments relating to income or remuneration, for each of the past three (3) years through the date of the trial of this lawsuit.

Response:

Plaintiff is not in possession of any documents related to this Request. The only money Plaintiff received from The Middle East Forum was paid through Plaintiff's w2 paycheck. Any documents related to Plaintiff's salaries/wages are already in the possession of the Defendants and are more accessible to Defendants than Plaintiff. Accordingly this request is overly broad, unduly burdensome and not proportional to the needs of this litigation.

Moreover, Plaintiff moved directly from The Middle East Forum to a position working for Congressman Randy Weber. Plaintiff objects to providing employment records in connection with Congressman Randy Weber as Plaintiff earns more money today than she earned during her employment with The Middle East Forum. Accordingly, the employment records from future employment are not relevant and the request is not proportional to the needs of this litigation.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

19. All documents relating to your efforts, if any, to find a potential job while you were still employed by MEF including job applications, resumes, cover letters, and want ads.

Response:

See Plaintiff's production of documents identified above. Plaintiff has produced documents connected to her job search in documents Bates Stamped MEF Docs 001015 through 001055 Electronic communications related to The Middle East Forum; and LB Supplemental Production 00305 through 00345 Electronic messages related to MEF and Daniel Pipes including text

messages between Lisa Barbounis and Patricia McNulty sent in real time while Lisa Barbounis was in Israel with Greg Roman.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

20. All documents including job applications, resumes and cover letters you provided to any potential employer, headhunter or employment agency since your employment with The Forum ended.

Response:

See Plaintiff's production of documents identified above. Plaintiff has produced documents connected to her job search in documents Bates Stamped MEF Docs 001015 through 001055 Electronic communications related to The Middle East Forum; and LB Supplemental Production 00305 through 00345 Electronic messages related to MEF and Daniel Pipes including text messages between Lisa Barbounis and Patricia McNulty sent in real time while Lisa Barbounis was in Israel with Greg Roman.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

21. Copies of application forms, business cards, post cards, letters or documents you received from any potential employer, headhunter or employment agency since your employment with The Forum ended.

Response:

Plaintiff is not in possession of any documents related to this Request. Plaintiff objects to providing Defendants with documents related to Congressman Randy Weber, as Plaintiff's employment with Congressman Weber does not require Plaintiff to produce to Defendants, Plaintiff's business cards or other cards. Accordingly this request is overly broad, unduly burdensome and not proportional to the needs of this litigation.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

22. All correspondences, written communications, and any other documents that you received from any person or entity to whom you have applied for employment since October 16, 2017.

Response:

Plaintiff moved directly from The Middle East Forum to a position working for Congressman Randy Weber. Plaintiff objects to providing employment records in connection with Congressman Randy Weber as Plaintiff earns more money today than she earned during her employment with The Middle East Forum. Accordingly, the employment records from future employment are not relevant and the request is not proportional to the needs of this litigation.

Plaintiff objects to providing Defendants with documents related to Congressman Randy Weber, as Plaintiff's employment with Congressman Weber does not require Plaintiff to produce to Defendants, document related to her current employment. Accordingly this request is overly broad, unduly burdensome and not proportional to the needs of this litigation.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

23. All correspondences, written communications, or documents offering you employment that you have received from any person or entity since October 16, 2017.

Response:

Plaintiff moved directly from The Middle East Forum to a position working for Congressman Randy Weber. Plaintiff objects to providing employment records in connection with Congressman Randy Weber as Plaintiff earns more money today than she earned during her employment with The Middle East Forum. Accordingly, the employment records from future employment are not relevant and the request is not proportional to the needs of this litigation.

Plaintiff objects to providing Defendants with documents related to Congressman Randy Weber, as Plaintiff's employment with Congressman Weber does not require Plaintiff to produce to Defendants, document related to her current employment. Accordingly this request is overly broad, unduly burdensome and not proportional to the needs of this litigation.

Plaintiff is not in possession of any other documents subject to this Request. The only employment where Plaintiff worked since October 2017 is with Congressman Weber and The Middle East Forum.

24. All pay stubs from current and former employers for the last three (3) years.

Response:

Plaintiff moved directly from The Middle East Forum to a position working for Congressman Randy Weber. Plaintiff objects to providing employment records in connection with Congressman Randy Weber as Plaintiff earns more money today than she earned during her employment with The Middle East Forum. Accordingly, the employment records from future employment are not relevant and the request is not proportional to the needs of this litigation.

Plaintiff objects to providing Defendants with documents related to Congressman Randy Weber, as Plaintiff's employment with Congressman Weber does not require Plaintiff to produce to Defendants, document related to her current employment. Accordingly this request is overly broad, unduly burdensome and not proportional to the needs of this litigation.

The only money Plaintiff received from The Middle East Forum was paid through Plaintiff's w2 paycheck. Any documents related to Plaintiff's salaries/wages are already in the possession of the Defendants and are more accessible to Defendants than Plaintiff. Accordingly this request is overly broad, unduly burdensome and not proportional to the needs of this litigation.

Plaintiff is not in possession of any other documents subject to this Request. The only employment where Plaintiff worked since October 2017 is with Congressman Weber and The Middle East Forum.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

25. Copies of any and all hospital bills, bills from any medical facility, doctor bills, health care bills, bills from any medical professional, prescription charges, reports, or other documents indicating expenses incurred as a result of the end of your employment with The Forum, and/or as a result of all alleged injuries for which you seek recovery in this lawsuit.

Response:

See Plaintiff's Production of Confidential Medical Records Bates Stamped 0001 through 00252.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

26. Copies of any and all invoices, bills, documents or written charges documenting your alleged losses, including medical services and treatment in hospitals and services provided by doctors, chiropractors, or any medical professional related to any alleged injuries or damages in this lawsuit.

Response:

See Plaintiff's Production of Confidential Medical Records Bates Stamped 0001 through 00252.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

27. All documents that were generated or created by any doctor or medical professional including, but not limited to all doctors' reports, treatment records, prescriptions, intake questionnaires, charts, x-rays, medical histories, test results, notes, diagnoses, or any other medical documents regarding your physical or mental condition that in any way relate to any injuries or damages for which you are seeking recovery in this lawsuit.

Response:

See Plaintiff's Production of Confidential Medical Records Bates Stamped 0001 through 00252.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

28. All documents concerning prescriptions that you claim you need as a result of the ending of your employment with The Forum.

Response:

See Plaintiff's Production of Confidential Medical Records Bates Stamped 0001 through 00252.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

29. Please produce a completed, signed, and notarized original of the Authorization for Release of Medical Records attached to this Request for Production.

Response:

Plaintiff will execute an authorization for any medical treatment subject to this case but objects to executing a blanket authorization for any and all medical records that are not relevant to this action.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

30. All documents sent to or received from the Equal Employment Opportunity Commission, the Pennsylvania Human Relations Act, and/or any other federal, state, or local fair employment practices commission or agency, in which you claimed that an employer wrongfully discharged, discriminated against, harassed, and/or mistreated you.

Response:

See Documents Bates Stamped LB EEOC Docs 0001 through 0031.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

31. All letters, statements or other documents that you provided to any newspaper, radio television, media entity, or person affiliated with a media entity, regarding your employment with The Forum.

Response:

Plaintiff is not in possession of any documents subject to this Request.

32. All photographs and/or video tapes, tape recordings, real evidence, objects or things depicting any of the allegations in the Amended Complaint.

Response:

Plaintiff has produced all recordings subject to this Request. Plaintiff has sent Defendants the recordings of Tommy Robinson and Daniel Thomas talking about Greg Roman's offer to pay for

testimony. Plaintiff has produced the recording of Alana Goodman describing Greg Roman's sexual misconduct.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

33. Any and all contracts, retainer agreements or fee agreements for the payment of attorney's fees and litigation costs between you and your attorneys for your attorney's representation of you in this lawsuit.

Response:

34. Any and all entries, timesheets, computer printouts, invoices or bills generated by your attorneys regarding this lawsuit.

Response:

Plaintiff objects to this Request as it would violate privilege and the attorney work product doctrine.

35. All statements under oath provided by Plaintiff in any legal proceeding.

Response:

Plaintiff is not in possession of any documents subject to this Request.

36. All documents relating to Plaintiff's claims for compensatory and punitive damages.

Response:

- ☐ MEF Docs 000001 through 000006: text messages between Marnie Meyer and Delaney Yonchek.
- ☐ MEF Docs 000007 through 000009: text messages between Marnie Meyer and Caitriona Brady.
- ☐ MEF Docs 000010 through 000051: Emails and documents produced by Lisa Barbounis from during her employment with The Middle East Forum.

- ☐ MEF Docs 000052 through 000073: text thread between Delaney Yonchek and Patricia McNulty (29 images were also produced that were part of this thread).
- ☐ MEF Docs 000074 through 000103: text thread between Delaney Yonchek, Patricia McNulty, and Lisa Barbounis.
- ☐ MEF Docs 000104 through 000226: text thread between Delaney Yonchek and Lisa Barbounis (146 images were produced that were part of this thread).
- ☐ MEF Docs 000227 through 000461: Articles and documents in connection with The Middle East Forum.
- ☐ MEF Docs 000462 through 000468: text thread between Delaney Yonchek and Marnie Meyer.
- ☐ MEF Docs 000871 through 000874: text thread between Delaney Yonchek, Patricia McNulty, and Caitriona Brady.
- ☐ MEF Docs 000875 through 000877: text thread between Delaney Yonchek, Patricia McNulty, Lisa Barbounis, and Caitriona Brady.
- ☐ MEF Docs 000878 through 000879: text thread between Delaney Yonchek, Caitriona Brady, and Lisa Barbounis.
- ☐ MEF Docs 000880 through 000888: text thread between Caitriona Brady, and Lisa Barbounis and Patricia McNulty.
- ☐ MEF Docs 000889 through 000889: partial transcript from purported telephone call between Matthew Ebert and Greg Roman.
- ☐ MEF Docs 000890 through 000890: Partial text thread between Lisa Barbounis and the MEF Network Administrator.
- ☐ MEF Docs 000891 through 000917: Information related to Declaration of Lisa Barbounis in connection with electronic devices.
- ☐ MEF Docs 000918 through 000919: Email communications.
- ☐ MEF Docs 000920 through 000953 Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000954 through 000961: Email communications.
- ☐ MEF Docs 000962 through 000965: Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000966 through 000995: Email communications.
- ☐ MEF Docs 000996 through 000967: Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000998 through 001002: Handwritten report.
- ☐ MEF Docs 001003 through 001012: Electronic Communications related to The Middle East Forum.

- ☐ MEF Docs 001013 through 001013: Absentee Request.
- ☐ MEF Docs 001014 through 001018: Documents related to Delaney Yonchek.
- ☐ MEF Docs 001015 through 001055 Electronic communications related to The Middle East Forum.
- ☐ LB Supplemental Production 00001 through 00190 The Middle East Forum tax returns for years 2004, 2015, 2016, and 2017 – related to punitive damages.
- ☐ LB Supplemental Production 00191 through 00191 Advertisement for AirBNB in Israel.
- ☐ LB Supplemental Production 00192 through 00198 Tiffany Lee Charge of Discrimination.
- ☐ LB Supplemental Production 00199 through 00200 Letter from Attison Barnes.
- ☐ LB Supplemental Production 00201 through 00201 Letter to Dave Walton.
- ☐ LB Supplemental Production 00202 through 00209 Letter from Dave Walton.
- ☐ LB Supplemental Production 00210 through 00210 Information related to MEF Response.
- ☐ LB Supplemental Production 00211 through 00215 Handwritten report.
- ☐ LB Supplemental Production 00216 through 00216 Notice of Charge.
- ☐ LB Supplemental Production 00208 through 00237 Emails and information produced by Lisa Barbounis including emails and Greg Roman LinkedIn Page.
- ☐ LB Supplemental Production 00238 through 00290 Emails and information produced by Lisa Barbounis including emails and insurance information for MEF.
- ☐ LB Supplemental Production 00291 through 00299 Electronic messages related to MEF and Daniel Pipes.
- ☐ LB Supplemental Production 00300 through 00304 Electronic messages related to MEF and Daniel Pipes.
- ☐ LB Supplemental Production 00305 through 00345 Electronic messages related to MEF and Daniel Pipes including text messages between Lisa Barbounis and Patricia McNulty sent in real time while Lisa Barbounis was in Israel with Greg Roman.
- ☐ Plaintiff has also produced recordings of Daniel Thomas and Tommy Robinson discussing Greg Roman's illegal offer of money for testimony.
- ☐ Plaintiff has also produced a recording of Alana Goodman describing Greg Roman's sexual harassment including exposing his penis in front of Ms. Goodman and trying to trade sex for stories – including threats.
- ☐ Plaintiff has also produced the comprehensive narrative report of Dr. Zakireh related to the claim of emotional distress made by Lisa Barbounis.
- ☐ Plaintiff has also produced several hundred thousand documents taken from Lisa Barbounis's electronic devices, social media accounts, emails accounts, and cloud based

storage accounts. Plaintiff and Defendants received this production at the same time. Accordingly, all documents produced through are equally accessible to Defendants as Plaintiff.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

Plaintiff also identifies all documents produced by Defendants and all medical records and expert reports.

37. Copies of all pictures concerning the allegations made in the Amended Complaint.

Response:

- ☐ MEF Docs 000001 through 000006: text messages between Marnie Meyer and Delaney Yonchek.
- ☐ MEF Docs 000007 through 000009: text messages between Marnie Meyer and Caitriona Brady.
- ☐ MEF Docs 000010 through 000051: Emails and documents produced by Lisa Barbounis from during her employment with The Middle East Forum.
- ☐ MEF Docs 000052 through 000073: text thread between Delaney Yonchek and Patricia McNulty (29 images were also produced that were part of this thread).
- ☐ MEF Docs 000074 through 000103: text thread between Delaney Yonchek, Patricia McNulty, and Lisa Barbounis.
- ☐ MEF Docs 000104 through 000226: text thread between Delaney Yonchek and Lisa Barbounis (146 images were produced that were part of this thread).
- ☐ MEF Docs 000227 through 000461: Articles and documents in connection with The Middle East Forum.
- ☐ MEF Docs 000462 through 000468: text thread between Delaney Yonchek and Marnie Meyer.
- ☐ MEF Docs 000871 through 000874: text thread between Delaney Yonchek, Patricia McNulty, and Caitriona Brady.
- ☐ MEF Docs 000875 through 000877: text thread between Delaney Yonchek, Patricia McNulty, Lisa Barbounis, and Caitriona Brady.
- ☐ MEF Docs 000878 through 000879: text thread between Delaney Yonchek, Caitriona Brady, and Lisa Barbounis.
- ☐ MEF Docs 000880 through 000888: text thread between Caitriona Brady, and Lisa Barbounis and Patricia McNulty.

- ☐ MEF Docs 000889 through 000889: partial transcript from purported telephone call between Matthew Ebert and Greg Roman.
- ☐ MEF Docs 000890 through 000890: Partial text thread between Lisa Barbounis and the MEF Network Administrator.
- ☐ MEF Docs 000891 through 000917: Information related to Declaration of Lisa Barbounis in connection with electronic devices.
- ☐ MEF Docs 000918 through 000919: Email communications.
- ☐ MEF Docs 000920 through 000953 Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000954 through 000961: Email communications.
- ☐ MEF Docs 000962 through 000965: Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000966 through 000995: Email communications.
- ☐ MEF Docs 000996 through 000967: Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000998 through 001002: Handwritten report.
- ☐ MEF Docs 001003 through 001012: Electronic Communications related to The Middle East Forum.
- ☐ MEF Docs 001013 through 001013: Absentee Request.
- ☐ MEF Docs 001014 through 001018: Documents related to Delaney Yonchek.
- ☐ MEF Docs 001015 through 001055 Electronic communications related to The Middle East Forum.
- ☐ LB Supplemental Production 00001 through 00190 The Middle East Forum tax returns for years 2004, 2015, 2016, and 2017 – related to punitive damages.
- ☐ LB Supplemental Production 00191 through 00191 Advertisement for AirBNB in Israel.
- ☐ LB Supplemental Production 00192 through 00198 Tiffany Lee Charge of Discrimination.
- ☐ LB Supplemental Production 00199 through 00200 Letter from Attison Barnes.
- ☐ LB Supplemental Production 00201 through 00201 Letter to Dave Walton.
- ☐ LB Supplemental Production 00202 through 00209 Letter from Dave Walton.
- ☐ LB Supplemental Production 00210 through 00210 Information related to MEF Response.
- ☐ LB Supplemental Production 00211 through 00215 Handwritten report.
- ☐ LB Supplemental Production 00216 through 00216 Notice of Charge.

- ☐ LB Supplemental Production 00208 through 00237 Emails and information produced by Lisa Barbounis including emails and Greg Roman LinkedIn Page.
- ☐ LB Supplemental Production 00238 through 00290 Emails and information produced by Lisa Barbounis including emails and insurance information for MEF.
- ☐ LB Supplemental Production 00291 through 00299 Electronic messages related to MEF and Daniel Pipes.
- ☐ LB Supplemental Production 00300 through 00304 Electronic messages related to MEF and Daniel Pipes.
- ☐ LB Supplemental Production 00305 through 00345 Electronic messages related to MEF and Daniel Pipes including text messages between Lisa Barbounis and Patricia McNulty sent in real time while Lisa Barbounis was in Israel with Greg Roman.
- ☐ Plaintiff has also produced recordings of Daniel Thomas and Tommy Robinson discussing Greg Roman's illegal offer of money for testimony.
- ☐ Plaintiff has also produced a recording of Alana Goodman describing Greg Roman's sexual harassment including exposing his penis in front of Ms. Goodman and trying to trade sex for stories – including threats.
- ☐ Plaintiff has also produced the comprehensive narrative report of Dr. Zakireh related to the claim of emotional distress made by Lisa Barbounis.
- ☐ Plaintiff has also produced several hundred thousand documents taken from Lisa Barbounis's electronic devices, social media accounts, emails accounts, and cloud based storage accounts. Plaintiff and Defendants received this production at the same time. Accordingly, all documents produced through are equally accessible to Defendants as Plaintiff.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

Plaintiff also identifies all documents produced by Defendants and all medical records and expert reports.

38. Copies of all pictures concerning and/or involving Patricia McNulty at any time after January 1, 2018.

Response:

- ☐ MEF Docs 000001 through 000006: text messages between Marnie Meyer and Delaney Yonchek.
- ☐ MEF Docs 000007 through 000009: text messages between Marnie Meyer and Caitriona Brady.

- ☐ MEF Docs 000010 through 000051: Emails and documents produced by Lisa Barbounis from during her employment with The Middle East Forum.
- ☐ MEF Docs 000052 through 000073: text thread between Delaney Yonchek and Patricia McNulty (29 images were also produced that were part of this thread).
- ☐ MEF Docs 000074 through 000103: text thread between Delaney Yonchek, Patricia McNulty, and Lisa Barbounis.
- ☐ MEF Docs 000104 through 000226: text thread between Delaney Yonchek and Lisa Barbounis (146 images were produced that were part of this thread).
- ☐ MEF Docs 000227 through 000461: Articles and documents in connection with The Middle East Forum.
- ☐ MEF Docs 000462 through 000468: text thread between Delaney Yonchek and Marnie Meyer.
- ☐ MEF Docs 000871 through 000874: text thread between Delaney Yonchek, Patricia McNulty, and Caitriona Brady.
- ☐ MEF Docs 000875 through 000877: text thread between Delaney Yonchek, Patricia McNulty, Lisa Barbounis, and Caitriona Brady.
- ☐ MEF Docs 000878 through 000879: text thread between Delaney Yonchek, Caitriona Brady, and Lisa Barbounis.
- ☐ MEF Docs 000880 through 000888: text thread between Caitriona Brady, and Lisa Barbounis and Patricia McNulty.
- ☐ MEF Docs 000889 through 000889: partial transcript from purported telephone call between Matthew Ebert and Greg Roman.
- ☐ MEF Docs 000890 through 000890: Partial text thread between Lisa Barbounis and the MEF Network Administrator.
- ☐ MEF Docs 000891 through 000917: Information related to Declaration of Lisa Barbounis in connection with electronic devices.
- ☐ MEF Docs 000918 through 000919: Email communications.
- ☐ MEF Docs 000920 through 000953 Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000954 through 000961: Email communications.
- ☐ MEF Docs 000962 through 000965: Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000966 through 000995: Email communications.
- ☐ MEF Docs 000996 through 000967: Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000998 through 001002: Handwritten report.

- ☐ MEF Docs 001003 through 001012: Electronic Communications related to The Middle East Forum.
- ☐ MEF Docs 001013 through 001013: Absentee Request.
- ☐ MEF Docs 001014 through 001018: Documents related to Delaney Yonchek.
- ☐ MEF Docs 001015 through 001055 Electronic communications related to The Middle East Forum.
- ☐ LB Supplemental Production 00001 through 00190 The Middle East Forum tax returns for years 2004, 2015, 2016, and 2017 – related to punitive damages.
- ☐ LB Supplemental Production 00191 through 00191 Advertisement for AirBNB in Israel.
- ☐ LB Supplemental Production 00192 through 00198 Tiffany Lee Charge of Discrimination.
- ☐ LB Supplemental Production 00199 through 00200 Letter from Attison Barnes.
- ☐ LB Supplemental Production 00201 through 00201 Letter to Dave Walton.
- ☐ LB Supplemental Production 00202 through 00209 Letter from Dave Walton.
- ☐ LB Supplemental Production 00210 through 00210 Information related to MEF Response.
- ☐ LB Supplemental Production 00211 through 00215 Handwritten report.
- ☐ LB Supplemental Production 00216 through 00216 Notice of Charge.
- ☐ LB Supplemental Production 00208 through 00237 Emails and information produced by Lisa Barbounis including emails and Greg Roman LinkedIn Page.
- ☐ LB Supplemental Production 00238 through 00290 Emails and information produced by Lisa Barbounis including emails and insurance information for MEF.
- ☐ LB Supplemental Production 00291 through 00299 Electronic messages related to MEF and Daniel Pipes.
- ☐ LB Supplemental Production 00300 through 00304 Electronic messages related to MEF and Daniel Pipes.
- ☐ LB Supplemental Production 00305 through 00345 Electronic messages related to MEF and Daniel Pipes including text messages between Lisa Barbounis and Patricia McNulty sent in real time while Lisa Barbounis was in Israel with Greg Roman.
- ☐ Plaintiff has also produced recordings of Daniel Thomas and Tommy Robinson discussing Greg Roman's illegal offer of money for testimony.
- ☐ Plaintiff has also produced a recording of Alana Goodman describing Greg Roman's sexual harassment including exposing his penis in front of Ms. Goodman and trying to trade sex for stories – including threats.
- ☐ Plaintiff has also produced the comprehensive narrative report of Dr. Zakireh related to the claim of emotional distress made by Lisa Barbounis.

- ☐ Plaintiff has also produced several hundred thousand documents taken from Lisa Barbounis's electronic devices, social media accounts, emails accounts, and cloud based storage accounts. Plaintiff and Defendants received this production at the same time. Accordingly, all documents produced through are equally accessible to Defendants as Plaintiff.

Plaintiff reserves the right to amend, supplement, clarify, or add to this production in accordance with the Federal Rules of Civil Procedure, Local Rules of Discovery and the Scheduling Order.

Plaintiff also identifies all documents produced by Defendants and all medical records and expert reports.

39. Copies of all pictures concerning and/or involving Caitriona Brady at any time after January 1, 2018.

Response:

- ☐ MEF Docs 000001 through 000006: text messages between Marnie Meyer and Delaney Yonchek.
- ☐ MEF Docs 000007 through 000009: text messages between Marnie Meyer and Caitriona Brady.
- ☐ MEF Docs 000010 through 000051: Emails and documents produced by Lisa Barbounis from during her employment with The Middle East Forum.
- ☐ MEF Docs 000052 through 000073: text thread between Delaney Yonchek and Patricia McNulty (29 images were also produced that were part of this thread).
- ☐ MEF Docs 000074 through 000103: text thread between Delaney Yonchek, Patricia McNulty, and Lisa Barbounis.
- ☐ MEF Docs 000104 through 000226: text thread between Delaney Yonchek and Lisa Barbounis (146 images were produced that were part of this thread).
- ☐ MEF Docs 000227 through 000461: Articles and documents in connection with The Middle East Forum.
- ☐ MEF Docs 000462 through 000468: text thread between Delaney Yonchek and Marnie Meyer.
- ☐ MEF Docs 000871 through 000874: text thread between Delaney Yonchek, Patricia McNulty, and Caitriona Brady.
- ☐ MEF Docs 000875 through 000877: text thread between Delaney Yonchek, Patricia McNulty, Lisa Barbounis, and Caitriona Brady.
- ☐ MEF Docs 000878 through 000879: text thread between Delaney Yonchek, Caitriona Brady, and Lisa Barbounis.

- ☐ MEF Docs 000880 through 000888: text thread between Caitriona Brady, and Lisa Barbounis and Patricia McNulty.
- ☐ MEF Docs 000889 through 000889: partial transcript from purported telephone call between Matthew Ebert and Greg Roman.
- ☐ MEF Docs 000890 through 000890: Partial text thread between Lisa Barbounis and the MEF Network Administrator.
- ☐ MEF Docs 000891 through 000917: Information related to Declaration of Lisa Barbounis in connection with electronic devices.
- ☐ MEF Docs 000918 through 000919: Email communications.
- ☐ MEF Docs 000920 through 000953 Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000954 through 000961: Email communications.
- ☐ MEF Docs 000962 through 000965: Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000966 through 000995: Email communications.
- ☐ MEF Docs 000996 through 000967: Electronic communications related to The Middle East Forum.
- ☐ MEF Docs 000998 through 001002: Handwritten report.
- ☐ MEF Docs 001003 through 001012: Electronic Communications related to The Middle East Forum.
- ☐ MEF Docs 001013 through 001013: Absentee Request.
- ☐ MEF Docs 001014 through 001018: Documents related to Delaney Yonchek.
- ☐ MEF Docs 001015 through 001055 Electronic communications related to The Middle East Forum.
- ☐ LB Supplemental Production 00001 through 00190 The Middle East Forum tax returns for years 2004, 2015, 2016, and 2017 – related to punitive damages.
- ☐ LB Supplemental Production 00191 through 00191 Advertisement for AirBNB in Israel.
- ☐ LB Supplemental Production 00192 through 00198 Tiffany Lee Charge of Discrimination.
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- ☐ LB Supplemental Production 00201 through 00201 Letter to Dave Walton.
- ☐ LB Supplemental Production 00202 through 00209 Letter from Dave Walton.
- ☐ LB Supplemental Production 00210 through 00210 Information related to MEF Response.
- ☐ LB Supplemental Production 00211 through 00215 Handwritten report.

- ☐ LB Supplemental Production 00216 through 00216 Notice of Charge.
- ☐ LB Supplemental Production 00208 through 00237 Emails and information produced by Lisa Barbounis including emails and Greg Roman LinkedIn Page.
- ☐ LB Supplemental Production 00238 through 00290 Emails and information produced by Lisa Barbounis including emails and insurance information for MEF.
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40. Copies of all pictures concerning and/or involving Delaney Yonchek at any time after January 1, 2018.

Response:

- ☐ MEF Docs 000001 through 000006: text messages between Marnie Meyer and Delaney Yonchek.

- ☐ MEF Docs 000007 through 000009: text messages between Marnie Meyer and Caitriona Brady.
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41. Copies of all pictures concerning and/or involving Marnie Meyer at any time after January 1, 2018.

Response:

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- ☐ MEF Docs 000462 through 000468: text thread between Delaney Yonchek and Marnie Meyer.
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42. Copies of the information available on each page of your Facebook account (if you maintain one) from January 1, 2018 to present. To do this, log in to Facebook, click on the down arrow symbol at the top right of your home page and select "Settings;" then, click "Download a copy of your Facebook data" which appears just below your General Account Settings; finally, click "Start My Archive." Facebook will notify you via email when your page is available for download.

Response:

- ☐ MEF Docs 000001 through 000006: text messages between Marnie Meyer and Delaney Yonchek.
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43. Copies of each page and each picture for all social network accounts (e.g., Ask.fm, Blogspot, BuzzFeed, CafeMom, Classmates, DeviantArt, Facebook, Flickr, Foursquare, Google +, Habbo, Instagram, LinkedIn, LiveJournal, Meet Me, Meetup, MyLife, MySpace, MyYearbook, Periscope, Pinterest, Quora, Reddit, Reunion, Snapchat, Tagged, Tumblr, Twitter, Vine, VK, Windows Live Spaces, YouTube, etc.), posted on from January 1, 2018 to present.

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DEREK SMITH LAW GROUP, PLLC

By: /s/ Seth D. Carson
SETH D. CARSON
Derek Smith Law Group, PLLC
1835 Market St, Ste 2950
Philadelphia, PA 19103
P: 215-391-4790
E: seth@dereksmithlaw.com
Attorneys for Plaintiff
Lisa Barbounis

DATED: November 3, 2020

CERTIFICATE OF SERVICE

I hereby certify that on this date that I caused a true and correct copy of Plaintiff's Responses to Defendants' Requests for Admissions to be served via Dropbox.

David J. Walton (PA # 86019)
Leigh Ann Benson (PA #319406)
Cozen O'Connor
1650 Market Street, Suite 2800
Philadelphia, PA 19103
P: 215-665-2000
F: 215-665-2013
dwalton@cozen.com
lbenson@cozen.com

DEREK SMITH LAW GROUP, PLLC

BY: /s/ Seth D. Carson
SETH D. CARSON

DATED: November 3, 2020

EXHIBIT B

LISA REYNOLDS-BARBOUNIS

77 (Pages 305 to 308)

<p style="text-align: right;">305</p> <p>1 where I tried to talk to her nicely. There 2 were times where I tried to coach her and 3 help her and be a friend to her. We even 4 hung out once. 5 Q. All right. Can you see that 6 document? 7 A. Yes. 8 Q. Do you recognize it? 9 MR. CARSON: It is what it is. 10 THE WITNESS: It's either 11 something I wrote to her or she wrote 12 to me. I would have to see the 13 whole, -- 14 MR. CARSON: Take a minute. 15 THE WITNESS: -- I would need 16 to see the whole thing. I can 17 probably find it. 18 MR. CARSON: Take a minute. 19 No, no, Lisa, put your phone 20 down. You're not going in your phone 21 today. All right? You're not -- 22 THE WITNESS: Well, I would 23 like to see the rest of the context 24 of that. Because there's got to be a</p>	<p style="text-align: right;">307</p> <p>1 A. No. 2 Q. You haven't referenced notes today? 3 A. No. Swear to God. 4 Q. When we go back and look at the 5 video, we won't see you looking at your phone 6 except that one time it rang? 7 A. Correct. 8 MR. CARSON: Objection. Not in 9 evidence. 10 MR. CAVALIER: I'll ask the 11 question again. I don't see a basis 12 for -- 13 THE WITNESS: I said no, you 14 will not see me doing that. Because 15 I didn't do it. 16 BY MR. CAVALIER: 17 Q. No. I want to ask the question as to 18 whether you have communications with Jazmine 19 Bishop on your current phone. 20 MR. CARSON: Objection. All 21 the communications that are on her 22 phone between her and Jazmine Bishop 23 have been turned over. 24 MR. CAVALIER: That's not my</p>
<p style="text-align: right;">306</p> <p>1 lot of more context to that. 2 BY MR. CAVALIER: 3 Q. Well, you have messages from Jazmine 4 Bishop in your phone? 5 MR. CARSON: Objection. She's 6 not -- I'm instructing her not to 7 answer that question. All the text 8 messages in her phone were turned 9 over through Cornerstone. 10 Lisa, put your phone away. 11 Don't reference it again. Okay? And 12 take a minute, look at the document, 13 and then answer his questions about 14 the document and only the document. 15 THE WITNESS: I don't know if I 16 wrote that to her or she wrote that 17 to me, but it was probably a 18 conversation between the two of us. 19 BY MR. CAVALIER: 20 Q. Have you looked at your phone while 21 we've been doing this deposition today? 22 A. No. Only the one time it rang and I 23 put it down. 24 Q. You haven't read text messages today?</p>	<p style="text-align: right;">308</p> <p>1 question, Seth. I want to know if 2 she has examples of this on her phone 3 still. 4 MR. CARSON: Okay. You guys 5 have equal access to everything 6 that's on the phone as she does and 7 that I do. All right? All the 8 exhibits were turned over to 9 Cornerstone. 10 MR. CAVALIER: I understand 11 your representation. 12 MR. CARSON: So anything that's 13 not -- so anything on her phone that 14 wasn't turned over is deemed not 15 relevant. If you guys want to make 16 an argument about that to the Court, 17 you can. She's not going to take her 18 time and go through her phone today. 19 THE WITNESS: What I don't 20 understand is where is the rest of 21 the context between this? 22 BY MR. CAVALIER: 23 Q. Well, we'll get to that. We just 24 want to know if you recognize this statement.</p>

EXHIBIT C

— — —

James A. Byrne U.S. Courthouse
Via videoconference
Philadelphia, PA 19106
November 13, 2020
Commencing at 10:42 a.m.

BEFORE THE HONORABLE JOSHUA D. WOLSON

— — —

Proceedings taken stenographically and prepared utilizing
computer-aided transcription

25

1 APPEARANCES:

2

3 FOR THE DEREK SMITH LAW GROUP, PLLC
4 PLAINTIFF/COUNTER BY: SETH D. CARSON, ESQUIRE
DEFENDANT 1835 Market Street
Suite 2950
5 Philadelphia, Pennsylvania 19103
(215) 391-4790
6 seth@dereksmithlaw.com

7

8 FOR THE COZEN O'CONNOR
9 DEFENDANTS/COUNTER BY: DAVID J. WALTON, ESQUIRE
CLAIMANTS BY: JONATHAN R. CAVALIER, ESQUIRE
BY: LEIGH ANN BENSON, ESQUIRE
10 One Liberty Place
1650 Market Street, Suite 2800
11 Philadelphia, Pennsylvania 19103
(215) 665-2000
12 dwalton@cozen.com
jcavalier@cozen.com
13 lbenson@cozen.com

14

15 FOR THE SIDNEY L. GOLD & ASSOCIATES, PC
16 DEFENDANT/COUNTER BY: SIDNEY L. GOLD, ESQUIRE
CLAIMANT GREG BY: WILLIAM REISER, ESQUIRE
17 ROMAN Eleven Penn Center, Suite 515
1835 Market Street
18 Philadelphia, Pennsylvania 19103
(215) 569-1999
19 sgold@discrimlaw.net
breiser@discrimlaw.net

20

21

22

- - -

23

24

25

1 (Court called to order at 10:41 a.m.)

2 THE COURT: Good morning. So we are here on the
3 motion for contempt that was filed in this case in ECF Number
4 72.

5 So I've read that motion and the exhibits, and
6 obviously I'm familiar with the procedural history in this
7 case. You guys have been in front of me a number of times on
8 these matters.

9 Let me start with this: Mr. Carson, it doesn't look
10 to me like you filed a certification that I ordered; is that
11 right?

12 MR. CARSON: No. I answered all the -- all the
13 document requests. I provided written responses to the
14 document requests. And I believe I sent over a certification
15 as well.

16 THE COURT: I haven't seen a certification on the
17 docket, Mr. Carson.

18 MR. CARSON: Oh, filed a certification. I'm sorry.

19 THE COURT: Yes.

20 MR. CARSON: I guess no, I have not done that.

21 THE COURT: You know that was one of the requirements,
22 right, that was in my order?

23 MR. CARSON: I do.

24 THE COURT: Okay. So why did that not happen?

25 MR. CARSON: It's just an oversight, just an honest

1 oversight. I just didn't -- I just didn't --

2 THE COURT: Okay.

3 Have the written discovery responses been served?

4 MR. CARSON: Yes.

5 THE COURT: Okay. And Mr. Walton, from your
6 perspective, I didn't have the sense from your motion that the
7 written responses were the primary issue here, but from your
8 perspective, are they complete, or there are there still issues
9 with the written responses?

10 MR. WALTON: Two quick issues with the responses, Your
11 Honor.

12 One, I believe Mr. Carson still asserted objections,
13 but I believe they were waived as per our last hearing.

14 And the responses indicate we received several hundred
15 thousand documents, which we haven't, and that all the
16 defendants received them at the same time, which we disagree
17 with.

18 But other than that, it's the same boilerplate
19 response to every single one of the requests.

20 THE COURT: All right. The document count -- I mean,
21 the record will show however many documents were produced. I
22 assume they're being numbered somehow, so that doesn't trouble
23 me too much.

24 Mr. Carson, to the extent you include objections in
25 the document request responses, are you standing on any

1 objections?

2 MR. CARSON: I mean, I'd have to look at them. I
3 didn't think I put a lot of objections in there. I thought the
4 only ones I'd probably -- I'd have to look at them, Your Honor,
5 to answer that question in a meaningful way.

6 THE COURT: I mean, I do think there's a waiver issue
7 here if you haven't responded for -- I mean, you responded on
8 November 2nd per my order to requests that were served in I
9 think January. So I think you've got a waiver issue if you're
10 standing on any objections.

11 MR. CARSON: I mean, to the extent that there's a
12 waiver issue, I suggest it applies to both parties. You know,
13 I received my interrogatory -- responses to interrogatories and
14 document requests six months after I sent them or five months
15 after I sent them.

16 THE COURT: Well, that's not the issue in front of me,
17 Mr. Carson. I don't have a motion about the interrogatory
18 responses.

19 MR. CARSON: They agree. I guess what I'm saying is
20 that both parties were aware that each other's discovery
21 responses were late and agreed that we wouldn't make waiver
22 arguments. And I have emails from Mr. Walton to that effect.

23 THE COURT: All right. Well, I mean, I guess I need
24 to know if there's anything you're standing on.

25 MR. CARSON: It might not be an issue. You know what

1 I mean? Like --

2 THE COURT: That's what I'm saying.

3 MR. CARSON: Yeah.

4 THE COURT: If you put the verbiage in for objections
5 and you're not standing on them, then it doesn't really matter
6 and I'm not going to wade into it. If there's objections that
7 you know you're standing on as a basis to withhold documents as
8 nonresponsive, then I think I need to know that.

9 MR. CARSON: Yeah. I haven't withheld any documents
10 based on -- that I'm aware of, based on -- based on objections.

11 THE COURT: Okay. All right. So Mr. Carson, where
12 does the document production stand at this point?

13 MR. CARSON: As far as I know, every single document
14 has been produced. There are no documents that --

15 THE COURT: That includes media files, it includes
16 audio recordings, it includes pictures, you've reviewed all
17 those and produced what's responsive?

18 MR. CARSON: Yeah. I mean, I haven't reviewed every
19 picture out of the hundreds of thousands of pictures yet. But
20 yes, I mean, as far as I know, every single -- I mean, I
21 provided -- I mean, this is -- this would be a very easy
22 conversation to have if defendants had ever decided to contact
23 me one time to talk about any of this stuff.

24 But I produced like 345 other documents, including an
25 audio file and images and -- you know, like, have I gotten

1 through the hundreds of thousands of documents that Cornerstone
2 gave us? No. But we both have all those documents.

3 THE COURT: So let me break that down.

4 You have given to the defendants all of those images?
5 Because I thought that what I had heard was that the images
6 were being held back so that you could look at them because
7 there was an issue of sensitivity.

8 MR. CARSON: Yeah. So since -- since Cornerstone did
9 that, I have not looked through every single one of those
10 images, but I don't think that -- you know what I mean? I
11 don't -- I don't think that there's anything there in addition
12 to what was already produced that's discoverable.

13 THE COURT: How do you know that if you haven't looked
14 at them?

15 MR. CARSON: I mean, just because they're all just
16 family photos, Your Honor. It has nothing to do with this
17 case.

18 THE COURT: Well, there are representations in the
19 motion that Ms. Barbounis took pictures of documents when she
20 was at the The Forum. There are representations in the motion
21 that she recorded conversations while she was at work and
22 things like that.

23 So how do you know if those things are there if you
24 haven't reviewed them?

25 MR. CARSON: I mean, I haven't come across anything

1 like that. Nothing. I haven't gotten through it all, so I
2 guess --

3 THE COURT: How much is there left for you to review?

4 MR. CARSON: I don't -- I don't know. I'd have to
5 look. I don't know. But --

6 THE COURT: So how am I supposed to know --

7 Mr. Carson, I mean, I issued an order that said you were
8 supposed to produce all remaining responsive documents by
9 November the 2nd.

10 MR. CARSON: Right.

11 THE COURT: Right. How am I supposed to know if you
12 did that?

13 MR. CARSON: Your Honor, it's just -- since -- since
14 you issued that order, I've had depositions like every day
15 since then. I get -- every chance I get, I try to go look
16 through that stuff.

17 I've never one time looking through it seen a picture
18 of a document or heard an audio file that in any way relates to
19 this case or The Middle East Forum in any way, but --

20 THE COURT: Did Ms. Barbounis testify that she had
21 recorded some conversations during her work at the The Forum
22 during her deposition?

23 MR. CARSON: I don't recall, but I don't think so. I
24 mean, I think those recordings have been turned over. The ones
25 that she testified about have been turned over.

1 THE COURT: Wait. Okay. So that's two different
2 answers to my question. So start with my question.

3 Did she testify that she recorded conversations during
4 her time at MEF?

5 MR. CARSON: There was testimony about a recording
6 between Ms. Barbounis and an employee named Marty Meyer, yes.
7 So -- and that recording has been turned over.

8 THE COURT: Was there testimony about recordings with
9 conversations with anyone else, like Mr. Roman?

10 MR. CARSON: I don't recall that, but I don't think
11 so. I mean, if defendants -- if any counsel wants to correct
12 me on that, I just don't recall that. I don't think there was,
13 no, Your Honor.

14 THE COURT: Okay. Mr. Walton, what is the material
15 that you're still concerned about in the way of -- let's talk
16 about media files for a moment?

17 MR. WALTON: Your Honor, I'll try to break these down,
18 because Cornerstone uses "media files" in a very broad sense.

19 Number one, there are documents that have been turned
20 over to us with attachments where the attachments aren't there.
21 A lot of those attachments are media files. So there's
22 potentially relevant documents without attachments, number one.

23 Number two is the pictures of the documents and the
24 other photos that may be relevant to the case, not her family
25 and stuff, but her trips that she went on with MEF, her

1 relationship with Danny Thomas, Tommy Robinson, et cetera.

2 Number three is her recordings. She loved to record
3 things.

4 Mr. Gold can speak to this, but some of this stuff,
5 the reason we know it exists, it's been turned over to trade
6 secret case, which Mr. Gold is involved in, not us, not Cozen.
7 And so --

8 MR. CARSON: Turned over to who?

9 MR. WALTON: To -- I believe some of that was turned
10 over to Mr. Gold as part of the trade secret case, and then it
11 was pulled back when they found the censored materials.

12 So we, Cozen, in the case before Your Honor have not
13 received those materials.

14 THE COURT: Okay. Let me drill down on each of those
15 categories then.

16 So let's start with the documents with attachments.

17 Have you -- start with this.

18 Mr. Walton, have you identified for Mr. Carson the
19 documents with attachments that you've seen where you don't
20 have the attachments?

21 MR. WALTON: No. I think we put some exemplars in our
22 motion, but there are numerous. Ms. Benson is on the phone --
23 or on the conference, she can speak to this better than I can,
24 but my understanding is there's thousands.

25 THE COURT: Okay. So who is segregating the files

1 from the -- from the attachments? In other words, is that
2 being done by Cornerstone, or is that something, Mr. Carson,
3 that you're doing?

4 MR. WALTON: It was being done, my understanding --
5 and I'm sorry if you didn't direct that at me, Your Honor. But
6 my understanding is that it's being done pursuant to Judge
7 Sanchez's order in the trade secret case. But Mr. Carson and
8 Mr. Gold can speak to that better than I can.

9 THE COURT: Mr. Carson, why don't you tell me.

10 I mean, is the -- in the ordinary course of things in
11 discovery, I would expect you to maintain some sort of
12 relationship between the document and its attachment and its
13 production in order to be forensically sound.

14 So what's the basis for separating them?

15 MR. CARSON: I'm not sure I understand what you mean.

16 THE COURT: So if an email has an attachment,
17 Mr. Carson, you know, typically they are produced with either
18 some metadata to indicate the relationship, they're produced
19 together. I mean, I assume you're producing things here in
20 some sort of document review format, document review tool,
21 whether it's Relativity --

22 MR. CARSON: No.

23 THE COURT: You're producing stuff as PDFs?

24 MR. CARSON: Yeah. I don't even know how we're doing
25 it. I have no idea.

1 THE COURT: What tool are you using to look at the
2 documents, Mr. Carson?

3 MR. CARSON: Whatever Cornerstone gave us.

4 THE COURT: What is it? When you log in, what program
5 is it?

6 MR. CARSON: I don't know. I don't know what it's
7 called.

8 MR. WALTON: It's called, Junto, Your Honor.
9 J-U-N-T-O.

10 THE COURT: And is it a typical document review tool
11 with --

12 MR. WALTON: Yeah. It's like Relativity Light.

13 THE COURT: Is there metadata associated with the
14 files?

15 MR. WALTON: Yes.

16 THE COURT: Okay. So Mr. Carson, typically if you
17 produce a file that has an attachment, there's metadata that
18 indicates that and that maintains the relationships so they can
19 see that when they get it.

20 Are these things being separated? In other words, if
21 an email comes around and you tag the email from production,
22 does the attachment get tagged as well?

23 MR. CARSON: Your Honor, I have no idea. I don't
24 know.

25 THE COURT: Don't you need to know that if you're

1 trying to fulfill your discovery obligations?

2 MR. CARSON: I'm not the one producing it.

3 Cornerstone produced it.

4 THE COURT: No. Mr. Carson, Cornerstone is generating
5 the document files.

6 MR. CARSON: But they're giving it to us both at the
7 same time. They have equal access to it.

8 THE COURT: I thought they don't have equal access to
9 some of these media files?

10 MR. CARSON: I guess. I mean, some of the pictures,
11 the family photos and things like that, were held back,
12 because --

13 THE COURT: Cornerstone didn't go through and figure
14 out which media files were family photos and which ones
15 weren't. Right?

16 MR. CARSON: No, I don't think they did that.

17 THE COURT: So they just held back media files en
18 masse. Right?

19 MR. CARSON: Right.

20 THE COURT: And if there was a media file attached to
21 an email, then it sounds to me like Cornerstone separated those
22 and maybe made the email available but held the attachment
23 back; is that right?

24 MR. CARSON: I guess, if that's what Mr. Walton is
25 saying happened. I don't know, because I've never received a

1 single phone call from anyone who is representing defendants to
2 just talk to me about this and explain --

3 THE COURT: Mr. Carson, don't you need to know what
4 Cornerstone is doing if they're making a production of your
5 client's materials?

6 MR. CARSON: Sure, yeah, I do, but I was overruled in
7 that aspect, so...

8 THE COURT: What do you mean, you were overruled? You
9 were told you aren't allowed to have the information?

10 MR. CARSON: Yeah. I was told I wasn't allowed to
11 have the information first.

12 THE COURT: I'm not asking first.

13 But don't you need to know what they're doing? I
14 mean, just to answer these questions, don't you need to know?

15 MR. CARSON: Yeah. I mean, I have an idea what
16 they're doing. I've logged in and looked at it. I'm
17 100 percent certain I have not looked at everything they've
18 looked at, you know, because I don't have any kind of
19 e-discovery tools.

20 THE COURT: That's not what I'm asking you,
21 Mr. Carson. I'm trying to understand what you're doing to
22 fulfill your discovery obligations.

23 And again, I am not interested in what you were told
24 in the trade secret case. If you're leveraging the production
25 in the trade secret case to fulfill your discovery obligations

1 in this case, that's fine. That may be an efficient way to go
2 about it.

3 But you've got your discovery obligations in this
4 case, and I need them to be fulfilled. And I don't know how
5 you can be fulfilling them if you don't know what's being
6 produced and, you know, you don't know what's -- you know, you
7 don't know what's being produced and you don't know what
8 methodology is being used.

9 MR. CARSON: Your Honor, I've said on the record, one
10 of the ways that Cornerstone produced information is in like
11 snippets.

12 So during depositions, you know, they'll put a text
13 message. It will be like one sentence, you know. There's no
14 context. And I've told defendants during every single
15 deposition that's taken place in this case so far, why don't
16 you guys call me when this deposition is over so we can discuss
17 trying to get some context for these text messages, you know.
18 And I was like, I'll agree to give you information from before
19 and after so we can see what's being spoken about here.

20 And I think this is relevant in the context of if
21 there's attachments that are part of these messages or
22 attachments that are part of these emails, I have no problem
23 turning those over so that we can understand what the
24 attachments are.

25 But, you know what I mean, I don't know what

1 defendants are even talking about here.

2 And they've never called me to discuss it with me and
3 instead -- this is like the 80th, you know, contempt motion
4 they filed against me. Before any of these contempt motions,
5 they don't call and talk to me, because they're more interested
6 in -- you know, how am I supposed to produce discovery if
7 I'm -- all I'm ever doing is responding to contempt motions.

8 And by the way, that's the point. That's the point of
9 what they're doing, so --

10 THE COURT: Mr. Carson, first of all, let's set the
11 hyperbole aside, okay, because it's the second time they've
12 come to me on contempt, not the 80th.

13 MR. CARSON: If you add them all together, Your Honor,
14 in all the cases, it's probably the 15th.

15 THE COURT: I'm not interested in the other cases,
16 Mr. Carson. I told you that last time.

17 MR. CARSON: Okay.

18 THE COURT: Okay? You guys collectively made a
19 decision not to seek to consolidate these cases. Right? We
20 talked about this in January when you were here for the
21 Rule 16. And it was apparent then that there were a whole
22 bunch of these, that there was going to be a lot of overlap.
23 You chose to file them separately. You didn't mark them as
24 related or file them as a single action, Mr. Carson. And the
25 fact that, you know -- and I've pointed this out to Mr. Walton

1 and Mr. Gold too. They also made a decision not to move to
2 consolidate. So that has consequences for everybody. But one
3 of those consequences is that you've got a whole bunch of cases
4 running in parallel with independently existing discovery
5 obligations. Okay?

6 So in my case that's in front of me, I have discovery
7 obligations. I'm not interested in what's going on in the
8 other cases. I'm interested in this case and in moving this
9 case forward.

10 And I'm not getting clarity here. And I'm not getting
11 clarity on what exactly has been produced. I'm not getting
12 clarity on what the methodology was. And I don't know whether
13 you're in compliance with my order or not. It sounds like the
14 answer is no, because there's no doubt that you haven't looked
15 at and produced everything, but I don't know.

16 I mean, I guess it's possible that in amongst those
17 files there's nothing responsive. Right?

18 But the problem is, you can't tell me that. And you
19 can't file the certification of compliance that I ordered on --
20 in October. You know, I ordered it on October 26th that you
21 were supposed to do it by November 2nd. And you can't do that
22 because you're not in compliance, or at least you don't know
23 you're in compliance. Maybe you are by blind luck, but you
24 don't know that you are.

25 MR. CARSON: I think that's right.

1 THE COURT: And so the question is, you know, I need
2 you to get this done. I thought I made this pretty clear when
3 we were on the phone three weeks ago or on the Zoom call three
4 weeks ago that this case needs to come to a close. Discovery
5 in this case needs to come to a close. And the only way to do
6 that was to get the documents out of the door so that these
7 depositions could take place. And so I don't know where we
8 stand.

9 MR. CARSON: I guess I thought I was in compliance,
10 Your Honor, and that if I wasn't, I think that there should be
11 some sort of opportunity -- you know, if defendants are
12 suggesting that there's stuff they still need that they think I
13 can get to them, then a simple discussion about that would
14 probably -- and then a call to Cornerstone would probably
15 facilitate that.

16 THE COURT: All right.

17 Mr. Walton, we -- I talked about the documents with
18 the attachments. There's pictures and other photos and things
19 like that.

20 Are you suggesting those things exist sort of as
21 standalone documents independently from being attachments, or
22 are you just saying those are the type of things that are
23 attachments? Because that is the second category I wrote down
24 when you --

25 MR. WALTON: If I'm following, Your Honor, and I

1 apologize if I'm not, I think it's a little bit of both. It's
2 mostly attachments to documents and some standalone recordings
3 and stuff.

4 THE COURT: Are the recordings standalone things or
5 are they attachments that Ms. Barbounis sent along as well?

6 MR. WALTON: I believe they're mostly attachments.

7 THE COURT: And what was her testimony with respect to
8 the recordings, Mr. Walton? Was it that she recorded
9 conversations on a regular basis or that there were a few that
10 she had recorded?

11 MR. WALTON: I didn't attend her deposition. Mr.
12 Cavalier and Mr. Gold did. We don't have a transcript yet. My
13 understanding is that she admitted to one or two conversations
14 but that the evidence that we have shows that there are likely
15 many, many more.

16 THE COURT: And what is that evidence?

17 MR. WALTON: That evidence is evidence from other
18 witnesses about recordings. It could have been some of the
19 stuff that was turned over in the trade secret case that Cozen
20 doesn't have access to yet. And, you know, testimony and
21 memory from Greg Roman and other people that we have.

22 THE COURT: Let me ask, is there a reason why --
23 Mr. Carson and Mr. Gold, maybe you know this from your role in
24 the trade secret case -- why whatever's been produced in the
25 trade secret case can't be made available to Cozen in this

1 case?

2 MR. GOLD: I think there was a confidentiality order
3 entered in that case. I'm not sure, Your Honor. But my
4 understanding is the order only allows counsel of record in the
5 trade secret case to have access to the files and documents and
6 data that's on the Junto platform.

7 However, just so I can add, the trade secret case, the
8 search terms that were used were limited to -- I believe there
9 were 25 search terms, but they're all limited to the trade
10 secret case. So information that was made available to us
11 through discovery, and that's on the Junto platform, probably
12 none of that -- a portion of that may be related to this case.

13 However, as I understand it -- I don't know whether
14 any search terms were ever provided in this case, but that
15 information is readily available to Mr. Carson. He is counsel
16 of record. All he has to do is go on the platform, enter his
17 password, and he's on there. He can search documents. He can
18 do whatever he needs with regard to that.

19 But that discovery is not in any way, shape or form
20 related to this case in the sense that it limits the
21 information that we need in this -- in the employment case.

22 THE COURT: I understand that. But I mean, if it's
23 been supplemental to what's been produced in this case and it's
24 part of what's out there, then I'm just trying to figure out if
25 there's a way to move things along.

1 You know, look, there's no search terms in this case.
2 You know, some of that is a function of the delays, you know,
3 the defendants engaged in too in terms of pursuing discovery in
4 this case. And we're not just going to reset things --

5 MR. GOLD: Right.

6 THE COURT: -- and give everybody a pass.

7 MR. GOLD: Your Honor, by the way, the data or the
8 files available on the trade secret case have been available
9 now for months. And the reason that we had difficulties with
10 that, 'cause we had -- because of interactions we had with
11 Mr. Carson. But I'm not going to go into that.

12 But the platform that we're using is relatively easy,
13 I mean, to use. I'm not by any means an expert in the database
14 programs, but I'll tell you, I've been able to use it. I've
15 been able to search for terms. And Mr. Carson has total access
16 to that.

17 What he's complaining about is that at some point in
18 time, Judge Sanchez lost his patience and said, okay, just turn
19 everything over to Cornerstone. And some of that is identified
20 as attorneys' eyes only. Some of it is anyone can access it.
21 But he's had access now for months. I mean, it's all there.

22 But I think what Mr. Walton is stating in this case is
23 that the documents that are related to this case have not been
24 turned over, and the documents in the trade secret case are not
25 a substitute for what needs to be turned over in this case. I

1 don't expect -- we have hundreds of thousands of documents that
2 have been -- that are on the platform right now because of the
3 search terms we used.

4 But the cases have no relationship to each other in
5 terms of the factual issues or the legal issues.

6 MR. CARSON: The parties are the same.

7 THE COURT: All right. Yeah. I have a couple of
8 questions.

9 I mean, one of the issues that's floating around here
10 is the issue about Telegram which we haven't talked about yet.

11 Mr. Carson, have you talked to -- have you done
12 anything to try and retrieve messages from Telegram from
13 Ms. Barbounis's account?

14 MR. CARSON: Yeah. We have not been able to retrieve
15 any messages. We tried -- it's my understanding that Lisa gave
16 all the two-factor authentication to Cornerstone and they
17 weren't able to retrieve any of them either. I can double
18 check that for you again, but that's what it happened to be.

19 THE COURT: Okay. Have you conveyed that to
20 Mr. Walton, that that effort was made?

21 MR. CARSON: I've had no meaningful conversations with
22 the defendants about discovery since the last time we spoke.

23 THE COURT: Mr. Walton, do you have any reason to
24 think -- I know with some social media accounts, for example,
25 there are ways to pull down and download your history.

1 Do you have any reason to think that that is feasible,
2 that you can scrape the data out of Slack -- out of Telegram?

3 MR. WALTON: Yeah. I have to talk to -- I mean, it's
4 the first time I'm hearing about the Telegram accounts.

5 We have been able to pull them down for our witnesses.
6 I would have to talk to Cornerstone to see what the issue is
7 and get a better understanding of it.

8 THE COURT: I want to get that done. I want to
9 understand what they're doing and whether it can be pulled
10 down.

11 I mean I think, you know, if the issue is, well, you
12 have to go through and do screenshots of messages and things
13 like that, that seems potentially unreasonable, depending on
14 how many messages it is and things like that, you know.

15 But if there's a way to scrape the data and put it
16 into a review tool or something like that, then it needs to be
17 done. And I want that to happen.

18 MR. WALTON: Would you like me to connect with
19 Cornerstone, Your Honor, and then update the Court by letter?

20 THE COURT: Yes. I want you to do that.

21 Mr. Carson should be on the call too.

22 MR. WALTON: Certainly.

23 THE COURT: I want everybody on the same page. I want
24 to know what Cornerstone says. And if there's not clarity,
25 then I'm going to get Cornerstone on the phone and figure it

1 out.

2 All right. Let me ask a couple questions, Mr. Walton.

3 At this point as you sit here right now, are there
4 materials that you need from Ms. Barbounis for The Forum to
5 prove its counterclaim?

6 And I want to focus on the counterclaim for a minute
7 first.

8 Or is the material that you would get from
9 Ms. Barbounis really to flesh out her defenses?

10 MR. WALTON: It's both, Your Honor. I'm sorry for the
11 delay. It's a little bit of both. I mean, I think a lot of
12 attachments and the multimedia relates to the Tommy
13 Robinson/Danny Thomas issues, which of course have crossover
14 relating to both to our counterclaim and some of our defenses.

15 But it's hard to tell until we get everything. And
16 we're still going through that 90,000 -- 90,000 documents that
17 we got.

18 And I would suspect, if we want to be complete with
19 discovery, that we should probably ask for some other search
20 terms.

21 But in terms of efficiency, I wanted to get what we
22 could first, assess it, and then perhaps ask for more search
23 terms.

24 THE COURT: I mean --

25 MR. CARSON: Your Honor, just so you know, the search

1 terms in the case were Tommy Robinson, Danny Tahoe (ph), The
2 Middle East Forum, Daniel Pipe. It's all the same search terms
3 that were used in this case.

4 THE COURT: I'm not wading into what the search terms
5 are. And I will tell you, I mean, again, I understand the
6 problems you face, Mr. Walton. I understand why you want more
7 search terms and more documents and things like that.

8 You know, I look at the timeline, though, in this
9 case. And there is an issue, you know, where it took months
10 and months and months for The Forum to follow up on its
11 discovery requests. And, you know, I don't think that we
12 should just reset discovery by starting ESI again with new
13 search terms. This case needs to come to a close. And the
14 time to do search terms was in June and July and August, it's
15 not now at the very end of discovery.

16 And if there were problems getting the documents then,
17 then the issue should have been brought to my attention then.
18 And so that's why I'm hesitant on some of these issues. Okay?

19 MR. WALTON: May I respond to that real quickly, Your
20 Honor?

21 THE COURT: Yep.

22 MR. WALTON: In June, July and August, Mr. Carson
23 didn't have possession of the materials anymore. My
24 understanding is that they were in Cornerstone in an order
25 governed by Judge Sanchez.

1 THE COURT: That's not my case. And if there was a
2 problem, you should have brought it to me then. And if it
3 needed coordination with what was going on with Judge Sanchez's
4 case, we could have dealt with it then.

5 If it was -- you know, but it seems like what happened
6 is you basically put the discovery in this case on the back
7 burner because of what was going on in the trade secret case.

8 And my problem with that is that, you know, I have a
9 case that I need to move forward. And, you know, you waited
10 until very late in the process. I mean, we're ten months into
11 discovery, which is an extraordinarily long time for discovery.
12 I don't typically allow that kind of time in discovery in my
13 cases. I think they can move faster than that.

14 And I'm being told now that, you know, we're basically
15 going back to -- I don't know if it's square one, but it's
16 square two in terms of the discovery process if we're talking
17 about ESI search terms.

18 MR. WALTON: Well, I think most of what we got -- most
19 of what -- I haven't seen the search terms, but I've heard
20 they're broad. So I think most of what we got is what we're
21 going to get. We started taking depositions. We've taken
22 Ms. Barbounis's deposition all ready. We took Ms. McNulty's
23 deposition.

24 I hear what Your Honor is saying. We are moving
25 forward. I'm not proposing that we go back to square one and

1 we start discovery all over. I think in some sense, we're
2 going to get what we're going to get, and we need to move
3 forward.

4 And I agree with that. And we are planning to move
5 forward. We have a deposition set for Mr. Roman, Mr. Pipes,
6 Mr. Fink, a couple board members. So the case is moving along
7 in terms of depositions.

8 THE COURT: Right. And I understand that. I mean,
9 you know, there's an order that requires them to happen.

10 I just -- you know, there's a tension in what you're
11 telling me, Mr. Walton, because on the one hand you're saying,
12 well, I need to go back and do new search terms. On the other
13 hand, you're telling me that you have most of what you think
14 you're going to get. You have them in a way that you can
15 certainly run your own searches and hone in on the stuff you
16 want.

17 You know, if there are some gaps in what's being
18 provided -- I mean, I am troubled about the media files, that
19 that's something that needs to be dealt with. But it doesn't
20 sound like there's a lot of other documentary information. I
21 mean, maybe there's some Telegram stuff that may or may not be
22 recoverable, I just don't know. But otherwise, it just doesn't
23 sound like there's a ton of additional material to be given.
24 It's really these media files.

25 MR. WALTON: It's the media files, Your Honor, and

1 also like Mr. Carson was saying earlier, the text messages.

2 MR. CARSON: I was about to say that too.

3 MR. WALTON: We only have, Your Honor -- I can try to
4 use my hand to explain it to you.

5 You know how you have a string of text messages --

6 THE COURT: Yes.

7 MR. WALTON: -- with a bunch of different bubbles?

8 THE COURT: Yes.

9 MR. WALTON: So we only have the bubble with the hit.
10 Nothing above it, nothing below it, just the bubble with the
11 hit.

12 THE COURT: I don't understand what Cornerstone is
13 doing then, because to me, if you're going to produce the text
14 messages, you need some sort of threading process in order to
15 get that information.

16 I would have thought that's a relatively
17 straightforward process. Either you get the whole text
18 message, or alternatively, they load the text messages into
19 this platform and then there's some metadata that indicates the
20 relationship so that you can see the thread.

21 If that's not what Cornerstone is doing, then they
22 need to fix that, because every time I ever looked at text
23 messages in my private practice in discovery, that was
24 certainly what we did, was we got the threading information and
25 we were looking at the text message chains as a whole. So I

1 don't understand why they would be doing that.

2 MR. WALTON: I think part of it was Judge Sanchez's
3 order, because part of the order was they could only produce
4 the bubble with the hit, and if you needed context, it was on,
5 you know, Mr. Gold or MEF's counsel to ask for more context.

6 So when Seth was trying to leverage that production to
7 us, I believe that they just turned it over in the same way. I
8 don't know why, but I think that originates back with Judge
9 Sanchez's order.

10 MR. CARSON: Your Honor, I've offered to help deal
11 with this problem, though, like four times now. I think the
12 solution is easy.

13 Because there's a lot of text messages, right, that
14 are between her and -- they're really personal, private stuff.
15 We're talking about hundreds of pages, and the whole thread is
16 not relevant.

17 So like where there's a hit, I said, let's identify
18 the ones that you think you're going to use in the case and
19 tell me what they are, and then I'll produce -- I can
20 facilitate the production of the context, like 24 hours before
21 and after the hit so everyone can see what's being spoken about
22 there.

23 And I've said that on the record in every deposition
24 that has taken place in this case so far. And defendants
25 haven't taken me up on that at all. And I put that out there

1 again as an option to try to deal with it.

2 MR. WALTON: This wasn't raised until our very last
3 dep.

4 MR. CARSON: You weren't at the other deps. It was
5 raised at every deposition so far.

6 MR. WALTON: Mr. Gold can speak about that. But they
7 haven't been produced. We asked for the text messages --

8 MR. CARSON: You haven't asked for them.

9 MR. WALTON: Excuse me.

10 THE COURT: Okay. I don't want crosstalk. Okay?
11 Enough.

12 All right. I think I've heard what I need to hear,
13 but I'm going to ask you guys all to hold on, because I want to
14 take a recess -- actually, I'm reminded, I have one other
15 question.

16 There was an issue mentioned in the motion about
17 redactions of some of what was produced.

18 Mr. Carson, I think it was your recent production
19 materials were redacted; is that right?

20 MR. CARSON: I don't think so, no. I think -- for all
21 the redactions that I provided documents for, there was a
22 redaction log. It was pretty limited.

23 THE COURT: The motion says the production on November
24 4th had a lot of redactions.

25 Mr. Walton, am I reading correctly?

1 MR. CARSON: Your Honor, this is the exact same
2 redactions that we dealt with earlier this year, where you
3 ordered to us provide a redaction log and to unredact stuff,
4 and that's all been done.

5 THE COURT: So you're just reproducing stuff on
6 November 4th?

7 MR. CARSON: No. Like I don't think I redacted
8 anything on November -- in the new stuff that I gave them on
9 November 4th. Again, I guess maybe ask Dave about it.

10 THE COURT: Mr. Walton, were there new redactions on
11 the 4th?

12 MR. WALTON: Yes.

13 MR. CARSON: Where?

14 THE COURT: Okay. So let me...

15 Mr. Carson, this says that there were 274 documents
16 produced on November 4th, including data pulled from Ms.
17 Barbounis's Twitter and Instagram accounts, and those documents
18 are heavily redacted without explanation.

19 So was that stuff that was produced before?

20 MR. CARSON: No. I don't even know what they were
21 talking about before. I didn't produce anything from Twitter
22 accounts, and I didn't redact anything.

23 Can they give a Bates stamp number as, like, an
24 example?

25 MR. WALTON: I think we had some exhibits to our

1 motion, Your Honor.

2 THE COURT: The motion -- let me see. Because the
3 motion --

4 MR. WALTON: It's like 90-some pages.

5 MR. CARSON: I mean, I can look right now. I'm in
6 front of my computer.

7 I don't recall redacting anything, and that was a week
8 ago.

9 MR. WALTON: We definitely have redactions.

10 THE COURT: I don't have anything here that's redacted
11 in front of me, or at least not -- I see text messages that
12 you're sending that you attached. I don't see any redactions.

13 So I don't really have any context for this.

14 MR. CARSON: I'm looking at it right now, and there's
15 no redactions.

16 THE COURT: Then you guys may need to work on --

17 MR. WALTON: Just -- Your Honor, I can explain just
18 quickly.

19 When Mr. Carson produces documents, he does it by
20 Dropbox. And he'll say -- he'll send us an email. He'll say,
21 there's some more documents on Dropbox for you.

22 So we got a link from Cornerstone on November 4th with
23 no explanation of what it was. And that's the information,
24 Seth, that we're talking about on November 4th.

25 MR. CARSON: A link from Cornerstone?

1 MR. WALTON: Yes.

2 MR. CARSON: Again, I mean, instead of filing a motion
3 for contempt, maybe --

4 THE COURT: Okay. Mr. Carson, I don't want -- I
5 understand you're trying to get some information, but I don't
6 want argument back and forth between you. This isn't the time
7 or the place.

8 MR. CARSON: Sorry.

9 THE COURT: We're going to take a recess. I'm going
10 to turn off my camera and mute myself. You're welcome to do
11 the same. I'd like you back in front of your screens by 11:30
12 so that we can resume when I'm ready.

13 MR. CARSON: Your Honor, can I ask you one other
14 thing?

15 THE COURT: Yes.

16 MR. CARSON: In the counterclaim, I served some
17 document requests. I don't think I served any interrogatory
18 requests, just document requests, asking them to produce
19 whatever documents they have that confirms or supports their
20 claims alleged in the counterclaim.

21 I think the 30-day deadline for that is like two days
22 after fact discovery, so I just wanted to -- I think plaintiff
23 or counterclaim defendant has a right to review documents if
24 they're going to support a counterclaim against her in order to
25 make a valid consideration of dispositive motions.

1 THE COURT: I'm not sure what you're asking me,
2 Mr. Carson. I'm not going to give some legal advice or
3 advisory opinion about how you're managing your discovery.

4 MR. CARSON: I just -- since the deadline is two days
5 after the end of fact discovery, I just wanted to maybe ask
6 whether or not, you know, they could have to respond to that,
7 those documents.

8 THE COURT: I don't have a live dispute in front of me
9 right now about that, Mr. Carson. I don't know what their
10 position is going to be. I don't have a motion in front of me.
11 You guys haven't met and conferred. So it's certainly not a
12 ripe issue, so it's not one that I'm prepared to provide an
13 answer to.

14 MR. CARSON: Understood. Thank you, Your Honor.

15 THE COURT: We're going to stand in recess. Be back
16 by 11:30. Thanks.

17 (Recess at 11:24 a.m. until 11:41 a.m.)

18 THE COURT: All right. Here's where I am on this.

19 I think that the discovery process in this case has
20 been something of a hash. And I think everybody bears some
21 responsibility for that, as I've indicated before.

22 Mr. Carson, it's not clear to me that what you've been
23 doing is fulfilling your discovery obligations in the case.

24 I know this is not exactly the normal case for you,
25 but you don't seem to be -- you don't seem to understand the

1 e-discovery process here. You don't seem to understand the
2 platform you're using. And I understand there's some interplay
3 with the trade secret case, but, you know, documents are being
4 pushed out without review, and it's not clear to me that you
5 understand some of the technical implications around all that,
6 which is troubling to me.

7 I do think, Mr. Carson, that you in significant ways
8 ignored my order of October 26th. I didn't get the
9 certification that was required. And as you've acknowledged,
10 you're not in a position to file that certification.

11 That's troubling to me. I think what I tried to
12 convey at the last hearing and what the order tried to convey
13 is that I expected a fairly herculean effort to get the
14 documents out and produced so that discovery could wrap up in
15 this case. There was an effort but I don't know there was a
16 herculean effort to really kind of just buckle down and get
17 everything done.

18 In terms of the remedy here, I think, you know, my
19 view is somewhat tempered, as I've said before, by the fact
20 that some of this is a mess of The Forum's making in terms of
21 the pacing of discovery meet and confers. There's something of
22 a wait and hurry up approach.

23 Again, I know that there's an interplay with the trade
24 secret case. I know there's interplay with these other cases.
25 But you all made a decision not to coordinate them or ask the

1 various judges who had them to coordinate them. And the
2 consequences of that were that they had to proceed on parallel
3 tracks and not have one take the lead.

4 And contempt is at bottom an equitable remedy, and so
5 I consider everybody's conduct.

6 So here's what I want to do. I am going to take these
7 category by category based on what I've heard.

8 For the media files that are outstanding, I want a
9 report from Cornerstone regarding the number of media files
10 that are out on the database. I want that broken down by type
11 of file, and I want it categorized in terms of static pictures,
12 videos and audio files. I want to see what kind of file
13 extensions they are. And I want to -- I want all -- all of you
14 are going to talk with Cornerstone to get me that report. I
15 want that report by the end of Monday at the latest.

16 And I want to know from that report what documents
17 have been reviewed and what documents still need to be reviewed
18 for production in this case. I'm not interested in the trade
19 secret case and whether they've been produced in the trade
20 secret case. I want to know what has to be reviewed in this
21 case.

22 Some of that may get overtaken by a couple of my other
23 orders -- by some of the rest of this, but I want that done for
24 the media files in case there's standalone media files or media
25 files that were attached to emails that have not yet been

1 produced, so I want to know that for all media files.

2 With respect to the text messages, I want all threads,
3 all text conversations in which there has been a hit to be
4 produced. I understand that may capture some stuff that's not
5 responsive. If there's stuff that needs to be designated
6 attorneys' eyes only for confidentiality purposes, that's fine,
7 but I want all text threads produced if there's a hit in any of
8 them.

9 So Mr. Walton, it will probably fall to you in the
10 first instance to identify the threads in which there's been a
11 hit. I want that given to Mr. Carson. And then the three of
12 you can make arrangements with Cornerstone to get the threads
13 produced. And it should be produced with whatever metadata is
14 necessary to maintain the complete text thread.

15 So I'm going to want a report on all of this by the
16 end of Monday as to what the status is and when it's going to
17 be done. And to the extent any of this can be done by the end
18 of Monday, I want to see progress on these materials being
19 produced by the end of Monday, because there's not a lot for
20 Cornerstone to do in terms of slicing and dicing the
21 information they have. A lot of it is going to be pushing it
22 out.

23 On Telegram, I want you guys to have a conversation
24 with Cornerstone. I want all of you to participate in that
25 conversation. And I want to know what has been done to date in

1 an effort to get the information that's on Telegram. I want to
2 know what problems Cornerstone has encountered and whether
3 there's any possible solutions to them. And if they're not, if
4 they're not retrievable, I want to know that too, but I want to
5 know all of it. And I want to know that by the end of Monday.

6 With respect to the attachments, for any email that
7 has been produced that has an attachment, I think the entire
8 family needs to be produced. So that means the email with
9 attachments. And you can either -- I think what should happen
10 is assuming that Cornerstone can do it, it should push out the
11 attachments along with metadata so that the parent-child
12 relationship can be maintained and identified.

13 If that can't be done, then I guess a second best
14 approach would be to reproduce everything with the attachments
15 and the metadata, but that's going to require some additional
16 work to go back and identify and match up the new production to
17 the old documents.

18 So if that is what has to happen, if the documents
19 have to be pushed out that way with the reproduction, then
20 Cornerstone needs to generate a report, which they should be
21 able to do from the MD5 hash information in the metadata as to
22 where the overlap is in the documents. And that report needs
23 to come as well.

24 And so I want that information. I want the report by
25 Monday as to the process of getting that done. And I want a

1 hard deadline as fast as possible. If Cornerstone can do it by
2 Monday, I want them to do it.

3 So I think that those are the things for Cornerstone
4 for you guys to deal with. Most of them require you to deal
5 with Cornerstone and come back with a couple of things. I
6 pretty strongly recommend that when we hang up here or
7 disconnect here, that you guys reach out to Cornerstone and try
8 to set up a call today because I don't want to hear that you
9 tried to get them on Monday and you couldn't be available until
10 Tuesday and so forth and so on. I want that process moving
11 so that --

12 MR. CARSON: Your Honor, I'm going to be in a
13 deposition for the rest of the day today. I'm in one now.

14 THE COURT: Then, Mr. Carson, you're going to have to
15 find a way to take a break from that and at least reach out to
16 Cornerstone. I'm sorry, but I want answers to this by the end
17 of Monday.

18 MR. WALTON: We can reach out to Cornerstone and keep
19 you posted, Mr. Carson.

20 MR. CARSON: I can't do it today. I mean, I took a
21 huge break today for this.

22 THE COURT: I'm not interested in hearing "I can't do
23 it," Mr. Carson. Okay? I mean, a deposition is something that
24 has some flexibility to it. A court order is not. So unless
25 that deposition is taking place pursuant to a specific court

1 order that you can send me that shows me that you have no
2 flexibility, then you're going to have to work around my court
3 order.

4 I'm not asking you to spend the rest of your day on
5 this, but I am asking you to find time to talk to Cornerstone,
6 whether it is after the end of the deposition, whether it is
7 another half hour break from the deposition, I don't know, but
8 you're going to do this.

9 And then the other issue that's out there is the
10 redaction issue. You know, I can't tell from the arguments
11 what was redacted. I don't have examples. I don't have a log.
12 I think you all need to meet and confer. And again, I want
13 that in your report to me on Monday.

14 I want to know what you've discussed. I want to know
15 what the answers are. If there were redactions in documents
16 that were produced on November 4th, then, Mr. Walton, identify
17 some of those to Mr. Carson by way of example so he can see
18 what they are. Mr. Carson, give them an explanation as to the
19 basis for the redactions. And if there's a log that needs to
20 be done as to the redactions, I want to know that too. And I
21 want all that done by Monday.

22 I want all of this, the status report by Monday. I
23 want it filed as a status report on the docket. I don't just
24 want a letter. So I want all that done.

25 And then the last thing, as far as this goes, as I

1 said at the outset here, I do think some of this, there was a
2 delay in dealing with discovery through this case, but a lot of
3 where we are now is a function of I think a combination of
4 Mr. Carson not really grasping or fulfilling discovery
5 obligations, including obligations that have come -- you know,
6 have been suggested from the ABA that everybody be technically
7 facile in this day and age, coupled with not following my
8 October 26th order.

9 So the last two things then that I'm going to want to
10 do is this.

11 Mr. Carson, I'm going to order you to pay the fees
12 that were incurred for them to prepare this motion.

13 And so today's the 13th. So Mr. Walton, I'll give you
14 till next Friday, the 20th, to put in a fee petition. And
15 then, Mr. Carson, you can look at the fee petition and respond
16 to it by -- let's say by -- I know Thanksgiving comes in there,
17 so --

18 Respond to it by the 11th, Mr. Carson.

19 And the fees go to preparing the motion and for this
20 hearing.

21 And then the last thing, Mr. Carson, once I get that
22 report from Cornerstone about the files that are -- the media
23 files that are out there. And, you know, it may be that
24 there's not that many left to review once the attachments are
25 all produced per my order, but to the extent that there are

1 still media files that need to be produced, I want to see daily
2 updates on the progress of that. And I want those by email to
3 my chambers.

4 So I'm going to get a report from you on Monday about
5 what's out there.

6 Hopefully what you can tell me is both what's out
7 there in the way of media files but also how many of them are
8 attachments that are going to be produced and what that's going
9 to lead for review.

10 MR. CARSON: How am I going to get you that
11 information?

12 THE COURT: You're going to email me to the Chambers
13 account, Mr. Carson, you're going to copy counsel in the case
14 how many files you've reviewed on a daily basis so that I have
15 information about the progress that's being made. I want to
16 know the files that have been reviewed and the amount of time
17 that's spent reviewing them on a daily basis. And you're going
18 to send emails to my Chambers account telling me that.

19 MR. CARSON: Your Honor, if everything was produced, I
20 have to pay for them to file a motion when every possible thing
21 in the case was already produced?

22 THE COURT: Mr. Carson, you're paying for them to file
23 a motion because it's clear to me that not everything is -- or
24 if everything has been produced, it's by blind luck.

25 MR. CARSON: No, it's not by blind luck. It's by all

1 the work that I've done in the case.

2 THE COURT: You'd better be really careful. This is
3 not the time you want to be arguing with me and snippy with me
4 about this, Mr. Carson. I'm going to tell you right now that
5 you conceded earlier on the record that you can't file a
6 certification right now that you're in compliance with my order
7 of October 26th because you haven't reviewed all the media
8 files. You don't know what's in those media files, so you
9 can't sit here and tell me that you know definitively that all
10 responsive materials have been produced.

11 MR. CARSON: Right.

12 THE COURT: Okay? So that's why I'm ordering a fee
13 award. You haven't complied with my order.

14 And so, you know, I don't know what else is out there.
15 I don't know about the email attachments, but it seems to me
16 that those are things that need to be dealt with in the course
17 of discovery ordinarily in any case with a heavy e-discovery
18 load. And it just hasn't been handled correctly here.

19 Okay. So that's -- we'll get you an order that, you
20 know, lays some of this out, but it's just going to refer back
21 to what's on the record. So to the extent there's questions, I
22 am going to recommend someone order the transcript so you have
23 it, because it will lay out a lot of my reasoning. But we'll
24 get you an order as well onto the docket.

25 So I'll look forward to your report.

1 As I said, I recommend that you try to get a hold of
2 Cornerstone, at least start the conversation today.

3 All right? And with that, we're going to stand
4 adjourned.

5 MR. CARSON: Your Honor, I have another question.

6 THE COURT: Yes.

7 MR. CARSON: So you ordered every text thread has to
8 be produced. That's basically every text she's ever sent.

9 I mean, that's totally overly broad, unduly
10 burdensome, not calculated to lead to the discovery of
11 admissible evidence, it's not proportional to the case. Every
12 single communication she ever sent has a hit of some sort. So
13 you're basically saying for the last five years of her life,
14 she has to turn over every communication she's ever sent, with
15 anyone, including me, including her husband, including doctors,
16 including friends, including family. That's just not fair. It
17 makes no sense.

18 THE COURT: Mr. Carson, I'm doing it because there
19 doesn't seem to have been a process to review. There doesn't
20 seem to have been a sound e-discovery process in place in this
21 case, so I think objections have been waived. If there were
22 privilege issues, I assume that they were logged.

23 MR. CARSON: I've been objecting on the record the
24 entire time.

25 THE COURT: I assume that, for instance,

1 communications between you and Ms. Barbounis have been logged.
2 If there are hits between you and Ms. Barbounis, then yes, you
3 don't have to produce those, but you do have produce a
4 privilege log about them. Okay?

5 Beyond that, it seems to me that the objections as to
6 burden and things like are long since waived.

7 MR. CARSON: I've been making them the entire time.

8 THE COURT: Well, we're at a point, Mr. Carson, that
9 we're -- having not complied with your obligations, regardless
10 of whether you voiced the objection, having not complied with
11 your obligations, I'm deeming them waived. Okay?

12 MR. CARSON: They weren't waived.

13 THE COURT: Or I'm overruling them, whichever verbiage
14 you want to use.

15 But we're at a point where at the end of the case,
16 this should have been dealt with. And I'm ordering them
17 produced.

18 MR. CARSON: I'm going to file a motion for
19 reconsideration. I'll lay out my argument in that then. But I
20 don't think that they should be produced until the issues are
21 briefed, because it's not -- I mean, what you're ordering is a
22 total intrusion into her personal and private life that has no
23 relevance to this case. And it's what they've been after the
24 entire time, since the beginning.

25 I mean, plus, I think there's issues of res judicata

1 or claim preclusion where Judge Sanchez already ordered that
2 that stuff shouldn't be produced in the case.

3 THE COURT: We, Mr. Carson, I don't want to hear claim
4 preclusion and res judicata. That doesn't apply. There are
5 two different cases with different scopes of discovery and
6 different discovery paths. Okay?

7 I mean, if you want to seek reconsideration, you can.
8 I'm going to rule on it very quickly, because I want this dealt
9 with. And my practices and procedures don't require responses
10 to reconsideration. So if you want to do it, do it quickly,
11 because my obligation is still outstanding. And if you run
12 afoul of it, I'm going to be really unhappy.

13 Okay? So my order stands. If you're going to seek
14 reconsideration, you can. I'll look at it quickly. I'll rule
15 on it. But you're going to have to have a really good reason
16 to explain to me not just that it's burdensome, not just that
17 it's intrusive, but you're going to have to explain to me what
18 you did to fulfill your discovery obligations in this case
19 through an evaluation of metadata and email threading or text
20 threading in order to produce stuff with context.

21 MR. CARSON: Your Honor, we produced every single text
22 that was sent between all the relevant parties in this case.
23 All right? And then we got every single one of her devices,
24 social media accounts, email accounts, private storage
25 accounts, imaged. And then we made an argument to produce all

1 the information in those accounts based on keywords.

2 THE COURT: Did you make that agreement in this case,
3 Mr. Carson?

4 MR. CARSON: Yes.

5 MR. WALTON: No.

6 THE COURT: You made that agreement with Mr. Walton?

7 MR. CARSON: Yes.

8 MR. WALTON: No.

9 THE COURT: You better show me the agreement in
10 writing.

11 MR. CARSON: I mean, we referenced the agreement in
12 the hearing, the last hearing, so I guess I'll get a transcript
13 of the hearing to do that too.

14 THE COURT: My order stands. Okay? I'm not going to
15 revisit what I've ordered. That's not my recollection of the
16 last hearing. I have the transcript, I'll take a look at it,
17 but that's certainly not my recollection.

18 If you're going to move for reconsideration, you can,
19 but my order stands.

20 MR. CARSON: Dave Walton and I have a lot of emails
21 back and forth where we discussed that we would produce the
22 information in this way.

23 THE COURT: Okay. Well, I don't know what the emails
24 say, Mr. Carson. If you think that -- if you think you've been
25 compliant with your discovery obligations, you can try to show

1 me, but it sure doesn't look it to me. Based on the
2 conversation I've had earlier today, I don't have any
3 confidence that you really know what's been produced in this
4 case or you've done it in a way that is forensically sound and
5 consistent with your ESI obligation.

6 And so my order stands. I expect you to comply with
7 it. You can move for reconsideration if you want to. If you
8 get it in in time, I'll look at it quickly and we'll see where
9 it stands. Okay? I mean, I'm always hoping to be persuaded,
10 but, you know, you need to continue to proceed as though my
11 order is in place until it's not. Okay?

12 MR. CARSON: Okay.

13 THE COURT: All right. All right. We'll stand
14 adjourned. Thank you.

15 (Proceedings concluded at 12:02 p.m.)

16

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18 I certify that the foregoing is a correct transcript
19 from the record of proceedings in the above-entitled matter.

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23 Ann Marie Mitchell, CRR, RDR, RMR
24 Official Court Reporter

25 Date: 14th day of November, 2020

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EXHIBIT D

From: Walton, David
Sent: Friday, November 13, 2020 12:49 PM
To: Robert Centofanti; lcinquanto@cornerstonediscovery.com
Cc: Seth Carson; Benson, Leigh Ann; Sidney Gold; Bill Rieser; Cavalier, Jonathan
Subject: MEF

Rob

Hope you are well. In the Barbounis/MEF matter, counsel had a hearing today with Judge Wolson on Defendant's Motion for Contempt. Judge Wolson ordered that we speak with you as soon as we can. We have to get information from Cornerstone for a report we must submit to the Court by COB on Monday, 16 November 2020. Please let us if you can talk today (the sooner the better).

Thank you.



David J. Walton
Shareholder
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EXHIBIT E

From: Walton, David
Sent: Friday, November 13, 2020 2:35:32 PM
To: Robert Centofanti;lcinquanto@cornerstonediscovery.com
Cc: Seth Carson;Benson, Leigh Ann;Sidney Gold;Bill Rieser;Cavalier, Jonathan
Subject: RE: MEF

Guys –

We really need to discuss this issue with you today. Here's what we need:

1. **Multimedia files:** We need to send a report to Judge Wolson showing file type, file ext., etc. for all of the files in the “multimedia” category. This includes both attachments and stand-alone documents. This is due COB Monday, 16 November 2020.
2. **Text messages:** For any text-message thread for which there has been a hit on a search term, Judge Wolson is ordering that we receive the thread. Note: Seth has indicated that he plans to file a motion for reconsideration on this issue. We need to update Judge Wolson by COB Monday, 16 November 2020.
3. **Telegram messages:** All counsel have been ordered to speak with Cornerstone about: (a) what has been done-to-date to retrieve the Telegram messages [Seth told the Judge that Cornerstone has not been able to retrieve them because of some issues with two-factor security]; and (b) what are the potential solutions for retrieving these messages? This is due COB Monday, 16 November 2020.
4. **Attachments:** For any attachments to emails, etc., can they be produced with the appropriate metadata so that they can be aligned with documents produced already? Or, do we need to do an entire re-production of the documents, but this time with attachments? We need to update Judge Wolson by COB Monday, 16 November 2020.
5. **Redactions:** Can you confirm that most recent document set we received had redactions? We have to meet and confer with Seth about this and update Judge Wolson by COB Monday, 16 November 2020.

Please let us know as soon as you can talk.



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From: Walton, David
Sent: Friday, November 13, 2020 12:49 PM
To: 'Robert Centofanti' <rcentofanti@cornerstonediscovery.com>;

'lcinquanto@cornerstonediscovery.com' <lcinquanto@cornerstonediscovery.com>

Cc: Seth Carson <seth@dereksmithlaw.com>; Benson, Leigh Ann <LBenson@cozen.com>; 'Sidney Gold' <sgold@discrimlaw.net>; Bill Rieser <brieser@discrimlaw.net>; Cavalier, Jonathan <JCavalier@cozen.com>

Subject: MEF

Rob

Hope you are well. In the Barbounis/MEF matter, counsel had a hearing today with Judge Wolson on Defendant's Motion for Contempt. Judge Wolson ordered that we speak with you as soon as we can. We have to get information from Cornerstone for a report we must submit to the Court by COB on Monday, 16 November 2020. Please let us if you can talk today (the sooner the better).

Thank you.



David J. Walton
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EXHIBIT F

From: Benson, Leigh Ann
Sent: Monday, November 16, 2020 3:48 PM
To: Seth Carson
Cc: Walton, David; Cavalier, Jonathan; Sidney Gold; Bill Rieser
Subject: Barbounis v. MEF

Importance: High

Seth, we are continue to work on the joint report and will have a draft to you soon. **Please let us know the soonest you can get on a call to go over the outstanding issues.** We need to file the report by COB.

Leigh Ann



Leigh Ann Benson

Associate | Cozen O'Connor

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EXHIBIT G

From: Walton, David
Sent: Monday, November 16, 2020 4:38 PM
To: Seth Carson
Cc: Benson, Leigh Ann; Cavalier, Jonathan; Sidney Gold; Bill Rieser
Subject: MEF Barbounis
Attachments: 49622467_1.docx

Seth --

Please attached draft report. I will be sending a Excel spreadsheet with the text threads shortly.

Please give us the missing information and/or authorize to state that we are awaiting information from you.

Dave

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

LISA BARBOUNIS

Plaintiff,

-vs-

THE MIDDLE EAST FORUM,
DANIEL PIPES (*individually*),
GREGG ROMAN (*individually*), and
MATTHEW BENNETT (*individually*)

Defendants.

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CIVIL ACTION NO. 2:19-cv-05030-JDW

JOINT DISCOVERY STATUS REPORT

Pursuant to this Court’s November 13, 2020 Order (ECF No. 74), plaintiff Ms. Lisa Barbounis (“Ms. Barbounis” or “Plaintiff”) and defendants The Middle East Forum (“MEF”) and Mr. Gregg Roman (“Mr. Roman”) (“Defendants”) submit the following Joint Discovery Status Report.

Preface Regarding Cornerstone: Cornerstone has raised a concern regarding its role in this case. Judge Sanchez appointed Cornerstone as a third-party neutral in *Middle East Forum v. Ms. Barbounis*, No. 19-5687. In that case, Judge Sanchez has given Cornerstone explicit instructions regarding what it can/cannot do with the data. Plaintiff’s counsel has not hired Cornerstone separately to assist with its discovery obligations in the matter before Your Honor. And Cornerstone has not been retained to do any work on the matter before Your Honor. Cornerstone is willing to help, but they want to be sure that their activities in this case do not present any issues with their role as a third-party neutral in the case before Judge Sanchez. Cornerstone also believes that they should be separately retained by Plaintiff’s counsel or ordered by Your Honor to be a third-party neutral in this case.

Schedule for Producing Text Messages: The Parties agree that text messages encompasses text messages (SMS messages); iMessages; iChats, Google chats, Instagram DM, Twitter DM, and WhatsApp messages. In compliance with Your Honor's Order, Defendants gave Plaintiff an initial list of the message-threads it seeks production of. Each requested thread contains a message with a search term hit and thus is subject to production pursuant to Your Honor's Order. There are numerous threads with unnamed participants, which Defendants will continue to parse through to determine, as best they can, if any further threads will need to be produced. Plaintiff is in the process of producing the applicable message threads. Plaintiff has not identified a schedule for producing these messages (SETH: If you have a schedule, please let us know).

1. Schedule for Producing Attachments: On Monday, November 16, 2020, counsel for the parties spoke with Cornerstone. Plaintiff's counsel was in the middle of another deposition and joined the call for approximately ten minutes. Defense counsel continued the call with Cornerstone for approximately another 50 minutes. During this call, Cornerstone explained that Plaintiff must work this out with the vendor, and Plaintiff has not retained the vendor.

2. Total Number of Multimedia Files on Cornerstone Database: During our multiple discussions with Cornerstone (on Friday, November 13, 2020 and Monday, 16 November 2020), we learned that there are two categories of "multimedia" files. First, there are "multimedia" files with search-term hits were produced in the case before Judge Sanchez. These files have not been produced in the case before Your Honor. Plaintiff's counsel is currently reviewing these files. The second category is "multimedia" files without search term hits. The case before Judge Sanchez has a protocol for dealing with these files. There are multiple unresolved issues between Plaintiff's counsel and Cornerstone regarding these files.

a. **Audio Files:** Plaintiff's counsel is in the process of determining this.

[Need data]

b. **Video Files:** Plaintiff's counsel is in the process of determining this.

[Need data]

c. **Static Images:** Plaintiff's counsel is in the process of determining this.

[Need data]

d. **Number of files Plaintiff's counsel has reviewed but not yet produced:**

Plaintiff's counsel is in the process of determining this. [Need data]

e. **Number of files Plaintiff's counsel has not yet reviewed:** Plaintiff's

counsel is in the process of determining this. [Need data]

3. **Description of Cornerstone's Efforts to Access and Obtain Data from Ms. Barbounis' Telegram Account:** Cornerstone has not found any Telegram data on any of the electronic sources received from plaintiff. Thus, Cornerstone has not made any attempt to retrieve this data.

4. **Description of Redactions Included in November 4, 2020 Production and Proposed Resolution Concerning the Redactions:** Cornerstone made these redactions per Judge Sanchez's order and protocol.

Respectfully submitted,

Dated: November 16, 2020

COZEN O'CONNOR

s/David J. Walton

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Attorney for Plaintiff Ms. Lisa Barbounis

EXHIBIT H

CAITRIONA BRADY,)
) Case No. 2:19-cv-05082-MAK
)
 Plaintiff(s),)
)
)
 v.) Philadelphia, Pennsylvania
) July 6, 2020
 THE MIDDLE EAST FORUM,) 10:45 a.m.
)
 Defendant(s).)
)

For Defendants Name: Jonathan R. Cavalier, Esq.
Cozen O'Connor
1650 Market Street, 27th Floor
One Liberty Place, Suite 2800
Philadelphia, PA 19103

1 Court Recorder: Kerri Christy
2 Clerk's Office
3 U.S. District
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1 PHILADELPHIA, PENNSYLVANIA

2 MONDAY, JULY 6, 2020

3 (PROCEEDINGS HELD IN OPEN COURT:)

4 THE BAILIFF: All rise. Court is now in session.

5 The Honorable Mark A. Kearney now presiding.

6 MR. JONATHAN CAVALIER: Morning, Your Honor.

7 HONORABLE JUDGE MARK A. KEARNEY: Good morning.

8 MR. SETH CARSON: Good morning, Your Honor.

9 THE COURT: Please be seated.

10 MR. SETH CARSON: Thank you.

11 THE COURT: Welcome and thank you for your
12 courtesy in being here today. We're here this morning on a
13 scheduled hearing, Show Cause Hearing under our March 5,
14 2020, order that was extended a couple times due to COVID
15 protocols. We have before us the papers of the Defendant
16 describing their attorney's fees in connection with the
17 January 31, 2020, initial pretrial conference.

18 Due process, among other reasons, requires that I
19 appreciate and give the -- the attorney for the Plaintiff
20 an opportunity to explain -- not to explain why the
21 sanction is in place but to -- to address any concerns that
22 he may have concerning the amount requested. So, first,
23 let me have evidentiary appearance for the Plaintiff.

24 MR. CARSON: Seth Carson on the --

25 THE COURT: Stand up, Mr. Carson, for the Court.

1 MR. CARSON: Thank you. I'm sorry. Seth Carson
2 on behalf of Caitriona Brady.

3 THE COURT: Welcome. And on behalf of Defendant?

4 MR. CAVALIER: Morning, Your Honor. Jon Cavalier
5 with Cozen O'Connor on the -- the behalf of the --

6 THE COURT: Good morning, Mr. Cavalier. Thank
7 you for being here, both of you.

8 MR. CAVALIER: Morning. It's good to see you
9 again, Your Honor.

10 THE COURT: The question is, I guess, Mr. -- Mr.
11 Carson, is -- you didn't file any objection to the \$945 in
12 fees. Absent an objection, I have to grant it. So, what
13 is your view on this? Do you have any objection?

14 MR. CARSON: Your Honor, after --

15 THE COURT: Please stand when you talk to the
16 Court.

17 MR. CARSON: Sorry, Your Honor. After the --
18 after the hearing, I sent a letter to Counsel for
19 Defendants, Dave Walton specifically.

20 THE COURT: Can you turn (inaudible) when you're
21 speaking?

22 MR. CARSON: Yes.

23 THE COURT: Okay.

24 MR. CARSON: I sent a letter to Dave Walton
25 specifically, and --

1 THE COURT: After what hearing?

2 MR. CARSON: After -- I'm sorry, after the Rule
3 16 Conference.

4 THE COURT: Okay.

5 MR. CARSON: After this Rule 16 Conference, and,
6 you know, I -- I explained what happened.

7 THE COURT: Sir, I already found sanctions. What
8 about the fee?

9 MR. CARSON: Yeah.

10 THE COURT: What -- do you have any challenge to
11 the fee?

12 MR. CARSON: So, I guess the only challenge I
13 would -- I would say is I think the \$1,000 or 900 and
14 change is -- is a little high because the parties had that
15 week negotiated. It's my understanding that the -- the --
16 the amount listed is for the preparation of the rule, the
17 26(f) memo. And -- and that 26(f) memo was one of the
18 three memos that the parties put together. Defendants took
19 the lead on putting them all together, but -- but, you
20 know, we had already put together two that week, and I
21 think they just took the information and transferred it
22 over.

23 So, I'm not sure that spending that much time on
24 -- on the memo makes sense to me, but at the same time, I
25 apologize to my -- my opposing counsel and offered to -- to

1 cover any costs they have outside of the -- outside of the
2 court. So, my -- my only objection would be I think it's a
3 little high.

4 THE COURT: Do you have counsel today? Did you
5 bring counsel with you today?

6 MR. CARSON: No, Your Honor.

7 THE COURT: Let's back up. Actually, would you
8 raise your right hand, please?

9 MR. CARSON: Yes, Your Honor.

10 THE COURT: Do you swear the testimony you're
11 about to give is the truth, the whole truth, and nothing
12 but the truth, so help you God?

13 MR. CARSON: Yes.

14 THE COURT: Explain to me then, sir, if you were
15 exchanging drafts back and forth, is your argument that
16 they actually didn't do any drafting? That you did the
17 drafting, or did they -- did they do the drafting?

18 MR. CARSON: No, no, that's not what I mean. So,
19 the -- the week before the Rule 16 Conference for this
20 case, we had a Rule -- two other Rule 16 Conferences. It
21 might have been the -- the two weeks before that. And I
22 guess all I'm presenting to the Court is that we had
23 already completed two other Rule 16 -- or 26(f) memos, and
24 that there was no exchange of drafts for this memo in this
25 case.

1 THE COURT: Okay. Do you -- let's be very clear.
2 They're in other cases, though. That's before Judge Brody
3 and Judge Wilson for example?

4 MR. CARSON: Yes, Your Honor.

5 THE COURT: So, there was no drafts exchanged in
6 this case.

7 MR. CARSON: That's correct, yeah.

8 THE COURT: Okay, that's a different fact, right?
9 So -- so, there was nothing going back and forth in this
10 case, just be clear.

11 MR. CARSON: Not -- not back and forth, no.

12 THE COURT: Okay. Did you see a draft of it
13 before it was final?

14 MR. CARSON: Yes, Your Honor.

15 THE COURT: Okay. And why didn't you comment on
16 it?

17 MR. CARSON: I think the email said we
18 incorporated the --the information that you gave us from
19 the Barboonis's (phonetic) case, which was the last Rule
20 16. And if we don't hear back from him by 4 o'clock, that
21 we're just going to file it.

22 THE COURT: Okay. All right. So, you didn't --
23 you don't show up for the hearing, and you don't call us.
24 So, that's sanctionable. You got that. Now, the question
25 is -- and then -- and then one of the issues we have to

1 consider about, sir, as -- as for deterrence is a couple --
2 a couple weeks ago, we had another hearing, a discovery
3 hearing, and you didn't appear.

4 So, what I'm concerned about is that this --
5 whether I should refer you to the disciplinary board.
6 That's really what I'm concerned about. That's two
7 hearings in the same case that you just ignored. You
8 didn't call the court. You didn't write the court and
9 apologize. You didn't ask for an extension. You just
10 didn't show.

11 Today is not the day to decide whether I'm going
12 to do that. That's something in my authority, not within
13 the authority of Rule 16.

14 MR. CARSON: I understand, Your Honor.

15 THE COURT: I looked at their timesheet. Do you
16 have any concern with their hourly rate?

17 MR. CARSON: The -- no, Your Honor.

18 THE COURT: Okay.

19 MR. CARSON: Yeah, I think their rate is their
20 rate.

21 THE COURT: All right. So, do you have your
22 timesheet, the amount of time you spent looking at the
23 other two Rule 26s to see whether it's comparable?

24 MR. CARSON: No, I -- I don't really keep
25 timesheets. Just the way our -- our first bills for these

1 types of cases. I don't -- that's not something I would
2 just have on hand, but, you know, I -- so, no, Your Honor.

3 THE COURT: Okay. I -- I dismissed the case
4 today because you've settled it.

5 MR. CARSON: Right.

6 THE COURT: Settled it in principle under Rule
7 41.1. Is there an agreement reached that this sanction
8 will be forgiven by the Defendant as far as the settlement?

9 MR. CARSON: I think I mentioned it. I don't
10 think it's something that -- I -- I think -- I think
11 counsel for Defendants might recommend it. I don't think
12 -- I don't want to speak for my opposing counsel, but --

13 THE COURT: Okay.

14 MR. CARSON: -- I would think their client would
15 agree with that.

16 THE COURT: So, you've asked for it, but it's not
17 part of the agreement as of now.

18 MR. CARSON: It's not part of the agreement.
19 That's correct, Your Honor.

20 THE COURT: Okay. Let's assume it is forgiven
21 and they say, oh, don't -- we're going to forgive the
22 amount of money and let's go forward, which is what we all
23 want to do. Then we come back to deterrence. What message
24 are we sending to you, sir, that you cannot just simply
25 fail to appear under court orders? If -- if I let -- if --

1 if -- if the Defense forgives you -- in other words, sir,
2 should I make the fee -- should I make the fine -- should I
3 make -- not the fine -- should I make the sanction payable
4 to someone other than the Defendant to teach you
5 deterrence?

6 MR. CARSON: I --

7 THE COURT: In other words, the Defendant can
8 forgive it, but if I -- if I order you to pay, you know,
9 Legal Aid or somebody, they won't forgive it.

10 MR. CARSON: I guess what I'll -- what I'll say
11 to the Court is that before -- after -- after this hearing,
12 I -- I wrote a letter apologizing.

13 THE COURT: To whom?

14 MR. CARSON: To -- to counsel for the Defendants.

15 THE COURT: Not the Court.

16 MR. CARSON: I -- I -- I didn't know if it was
17 appropriate for me to -- to -- to -- to -- to cc the Court
18 on it, so I just wrote it to counsel for the Defendants,
19 and I offered to pay any -- any cost that they incurred
20 because of my --

21 THE COURT: You mean cost like out-of-pocket
22 costs?

23 MR. CARSON: Yeah, at -- at the time when I was
24 thinking, like, you know, that -- for a 1080 hearing, I
25 didn't realize it was for the 26(f) memo at that time, but

1 I -- you know, I said whatever cost that you've incurred,
2 you know, because of -- because of my, you know, my -- my -
3 - my mis-calendaring or I offered to pay. So that's --
4 that's why I didn't oppose the motion because I thought it
5 would be disingenuous to kind of --

6 THE COURT: Okay. I appreciate your respect
7 there. I appreciate your candor.

8 Mr. Cavalier, from the Defense side, do you
9 understand my concern? Has your client agreed to forgive
10 any sanction that would be payable to it under our -- under
11 our January -- under our -- our order of March 5?

12 MR. CAVALIER: Your Honor, I do understand your
13 concern. We do not have that consent from our client. Not
14 to belabor the point, but I find myself in a bit of a
15 difficult spot this morning. I -- these cases have been
16 hard fought. They have been extremely time consuming. I
17 certainly respect Mr. Carson. I like him personally.

18 It is never my goal or my desire to seek
19 sanctions against another lawyer or take money out of
20 another lawyer's pocket. It is the last thing that I want
21 to do, and so I'm conflicted because I also feel that I
22 have a duty to my client, who has paid us and continues to
23 pay us a lot of money to defend them in these cases, and to
24 the Court as well, as a member of the bar of this Court and
25 someone who practices here often.

1 So, I will only say on that point, Your Honor,
2 that from our firm's perspective in the traditional and
3 typical sense, that's certainly something that we would do
4 as a matter of routine. When we wrap up this case, we
5 would forgive this kind of a sanction.

6 THE COURT: But you don't know if your client --

7 MR. CAVALIER: I don't know whether I can get
8 that permission in this particular case from this
9 particular client.

10 THE COURT: Got you. Is -- is -- are all -- I --
11 I do know there's other cases.

12 MR. CAVALIER: Yes.

13 THE COURT: I know Mr. Brady was one of a couple
14 people that was involved that your firm represented. Are
15 -- are the -- are the other cases wrapped up?

16 MR. CAVALIER: They are not.

17 THE COURT: Judge Wilson and Judge Brody, et
18 cetera?

19 MR. CAVALIER: They are not, Your Honor.

20 THE COURT: Okay. What aspect of their bills do
21 you think is too high? It's not -- it's not the -- it's
22 not the amount of the rate, so the rate is okay. You're
23 okay paying the cost, so to speak, to show up at the
24 hearing. What about the -- what about the amount of time
25 you think they spent in preparing the Rule 26 report?

1 MR. CARSON: Yeah, and, you know, because there's
2 a sworn affidavit, I -- you know, I -- I don't want to say
3 that they're misleading the Court. I actually know how
4 long it takes me to put a Rule 26(f) memo together, and I
5 know that when I have two that were already drafted in very
6 similar cases, it would be even faster. But again, I was
7 ready to before Your Honor set up the rule to Show Cause
8 Hearing, I was ready to, you know, pay -- pay the money
9 that that was represented by.

10 THE COURT: Do you have attorney that supervises
11 your services, sir, in --

12 MR. CARSON: Yeah.

13 THE COURT: -- your firm?

14 MR. CARSON: Yes.

15 THE COURT: And who is that?

16 MR. CARSON: His name is Samuel Wilson.

17 THE COURT: And is Samuel Wilson in Philadelphia
18 or is he in the New York office?

19 MR. CARSON: He's in Philadelphia.

20 THE COURT: Does Mr. Wilson know you're here?

21 MR. CARSON: I believe so, yes, Your Honor.

22 THE COURT: Does Mr. Wilson know what happened?

23 MR. CARSON: Yeah. Yeah.

24 THE COURT: Are you a partner in that firm?

25 MR. CARSON: No, Your Honor.

1 THE COURT: Is Mr. Wilson a partner in that firm?

2 MR. CARSON: I think that you would him a
3 partner, yes. But we don't really have like partners
4 there. He -- he runs our Philadelphia office. So, I think
5 he would be a managing partner of the Philadelphia office,
6 so you know.

7 THE COURT: Okay, so, if -- if I said to you,
8 take me to your boss --

9 MR. CARSON: Samuel Wilson.

10 THE COURT: Thank you, sir.

11 MR. CARSON: Yeah.

12 THE COURT: That's right. Okay. So, Mr. Wilson
13 is the person who you report to from time to time about
14 what you're doing in -- in torts and cases I think.

15 MR. CARSON: That's right, and -- and then Derek
16 Smith would be the person above him.

17 THE COURT: If I understand correctly, Mr. Smith
18 is in New York?

19 MR. CARSON: He is.

20 THE COURT: Okay. But -- so, the -- in this
21 case, had it gone to trial, were you trying it alone?

22 MR. CARSON: I think I would have probably asked
23 for someone with more trial experience to sit second chair,
24 but I think I would have ran the trial, been --

25 THE COURT: Okay.

1 MR. CARSON: -- lead counsel.

2 THE COURT: Would -- who -- who would have been
3 -- is Mr. Wilson somebody you would have worked with on the
4 case?

5 MR. CARSON: Yes. Yeah.

6 THE COURT: Okay.

7 MR. CARSON: And maybe the person who sat with me
8 at trial would have been somebody else, but yes.

9 THE COURT: Okay. And is Mr. Wilson -- have --
10 have you ever spoken to Mr. Wilson about his obligation to
11 supervise the attorneys under his direction?

12 MR. CARSON: Yeah. So, recently, he and I have
13 had a lot of conversations about that just because in the
14 last 60 days, I've just felt a lot of pressure from my
15 caseload and, you know, my personal life.

16 THE COURT: Sure.

17 MR. CARSON: And so -- and so he and I have had a
18 lot of discussions about that recently.

19 THE COURT: Okay. I mean, what's interesting
20 about this is, sir, I've had people miss hearings since
21 March 15th, right, and we all get that. Judges particularly
22 understand that. We appreciate that lawyers have personal
23 lives that are affected by a pandemic. I get it. This
24 conduct had nothing to do with the pandemic, right? We all
25 agree.

1 MR. CARSON: No.

2 THE COURT: This is just something that had to do
3 with --

4 MR. CARSON: Yes.

5 THE COURT: -- back -- back in a -- back in a
6 more blessed era, back before --

7 MR. CARSON: Yeah.

8 THE COURT: -- March 15.

9 MR. CARSON: Yeah.

10 THE COURT: So, your reason -- for whatever
11 reason you didn't show up is -- is one thing. The -- does
12 your client know you did not appear? In other words, did
13 you -- did -- did your client have any involvement in the
14 decision to appear or not appear on January 31st?

15 MR. CARSON: No. I think I mentioned it to her
16 after the fact.

17 THE COURT: Okay, but ahead of time?

18 MR. CARSON: No, I didn't tell -- she -- she
19 didn't know that the Rule -- I don't think she knew the
20 Rule 16 Conference --

21 THE COURT: Okay.

22 MR. CARSON: -- was at that --

23 THE COURT: Okay. Let me be pretty direct.

24 MR. CARSON: Yeah.

25 THE COURT: Did -- did she tell you or did she

1 know you were not going to appear before you did not
2 appear?

3 MR. CARSON: No, Your Honor.

4 THE COURT: Okay. So, the entire culpability
5 here would fall fairly on you and Mr. Wilson and your
6 office.

7 MR. CARSON: Yeah, I would say -- I would say me,
8 but yes.

9 THE COURT: Why?

10 MR. CARSON: It -- I -- I mean, the reason that I
11 didn't appear that day is it was calendared for another
12 day, and my -- it was, like, a week where my paralegal that
13 I was working with left and I had another paralegal that
14 just started that -- and so -- but I -- I think it falls on
15 me because, you know, earlier in the week, you know, we
16 said to each other at -- at Judge Wilson's Rule 16
17 conference, hey, we'll see you later that week.

18 THE COURT: Right.

19 MR. CARSON: And so --

20 THE COURT: I remember the call with Mr. Walton.
21 I remember Mr. Walton being in the room and said, it's
22 funny, I just saw him. He said he'd see me on Friday or
23 whatever day it was. He was like --

24 MR. CARSON: Yeah.

25 THE COURT: Yeah.

1 MR. CARSON: So, when it -- you know, I was just
2 flying kind of by the seat of my pants that day, and I
3 looked at my calendar and didn't see it. And -- but it
4 should have clicked. I should have -- I should have -- you
5 know, that's why I said I think it falls on me.

6 THE COURT: Okay. My obligation is to issue
7 findings. I hesitate to do that. I hesitate to write
8 anything, sir. You're a young lawyer. You've got a long
9 career and the law ahead of you hopefully. You -- life has
10 taken over for you in as many ways, and I appreciate that.
11 I've -- I've had discussions with you about that in the
12 past or on the phone anyway. And I know what you're --
13 some of what you're going through and the best. I really
14 don't want to hear about today.

15 I don't -- I don't in any way relish the idea of
16 besmirching you. And what strikes me, though, today is it
17 doesn't appear to me to be a situation where it was
18 childcare issue one day or a car accident one day or, you
19 know, train SNAFU one day. If it was one day, you
20 recognized the mistake, as you just told me, wrote to Mr.
21 Walton, which I think showed great professionalism by you
22 to do so.

23 That certainly mitigates any view of my conduct
24 -- mitigates my view of your conduct. But curiously, you
25 then missed another hearing with me, which I'm not here

1 about today. But it does strike me that -- that there's
2 some level of -- and -- and Mr. -- and your Defense
3 counsel, I don't use his last name in any kind of pun
4 fashion here, but you're taking it cavalierly here, and
5 that just cannot be done. That just cannot be done.

6 You have the privilege of being member of the bar
7 in this Court. This is a small bar. The judges are very
8 close in a sense but not -- not necessarily in age or
9 geography, but certainly in our relationship on the bench,
10 and we talk to each other all the time.

11 Sir, you can't get back your reputation. You can
12 win a thousand cases and not get back your reputation. I
13 ask you as a member of the bar of this court, I'm going to
14 give you a chance before I report you to some disciplinary
15 board to show us, as a Court, this was an anomaly. This
16 was aberrant behavior.

17 If it's not, I've made a record and I'll have an
18 order out there that will address your name, and I suggest
19 there will be a problem for you and Mr. Wilson and maybe
20 Mr. Smith. But as far as -- as far as a sanction outside
21 of monetary damages, I -- I -- I find it's not warranted.

22 I respect the fact you came here today. I was
23 concerned when you dismissed the case. You thought you
24 were not -- I -- I -- I was fearful you weren't going to
25 appear, which would have been a significant lapse in

1 judgment, and you didn't do that. You came today to -- to
2 -- sure enough, it wasn't a pleasant day of your week, and
3 for that, I respect you for doing that.

4 But I do have a client -- I do have a party --
5 forget Mr. Cavalier and his fine law firm. Put them to the
6 side for a minute. I suspect I have a party on the other
7 side -- Mr. Cavalier, if I read your -- read your statement
8 correctly, you believe Middle East Forum pays the fees that
9 -- I know you may not be the person who's actually has the
10 purse, so to speak, that collects the checks, but you know
11 they pay fees?

12 MR. CAVALIER: They pay fees out at the rates
13 that we bill them.

14 THE COURT: Okay, so, for example, if this
15 comment would have occurred in January, typically, would it
16 have been paid by now in your experience?

17 MR. CAVALIER: That's actually a very good
18 question, Your Honor, and I don't want to represent to you
19 on the record, but typically for a bill in January, our
20 firm would very much appreciate that bill being paid by
21 now, yes.

22 THE COURT: Thanks a lot.

23 MR. CAVALIER: Yes.

24 THE COURT: Okay. So, here's my point of view on
25 this, if you -- if you -- it's not -- it's not a -- it's

1 not a reward to the Cozen firm. It's not a reward. It's
2 not a penalty to you necessarily, sir. It's really
3 somebody paid a fee for work to be done that, especially
4 under federal rules to be done in a cooperative manner and
5 appear in court. One side paid for a lawyer to be there.
6 The other side didn't.

7 Now, that's -- whatever relationship you had with
8 Ms. Brady, that's fine. That's not my business, but what
9 it tells me is that -- is that somebody paid for half a
10 hearing. Middle East Forum paid for half a hearing.

11 MR. CARSON: Right.

12 THE COURT: And you're the person who caused
13 that. You and Mr. Wilson and your firm caused that.

14 So, that is why I find there is some basis for
15 monetary sanction. If, for example, and I'm not suggesting
16 they should or will, but if, for example, the Middle East
17 Forum decides in its judgment without any of this Court's
18 view of it, decide to release that claim, that's albeit up
19 to them.

20 You have persuaded me not, though, to impose a
21 fine or apply a penalty that goes beyond any -- any award
22 to Middle East Forum. Many of these cases, sir, you
23 probably are well aware, many of these cases when we have a
24 nominal amount like this -- relatively nominal amount like
25 this, we -- we often make a salutary award of a payment to

1 Legal Aid or to Philadelphia VIP or Montgomery Child
2 Advocacy or Delaware County Legal Aid, something where we
3 show -- we show that we made an error and we're trying to
4 support the legal community.

5 This case, though, has somebody that actually
6 paid money for services that they didn't get the benefit
7 of. Now, I don't -- I -- I -- I -- I -- I do hear your
8 objection to the amount of time, and I will look at it. I
9 did see Mr. Warton's -- Mr. Walton's uncontradicted
10 affidavit, and I will -- I will address it.

11 Is there anything further, sir, from you that
12 you'd like to say in terms of mitigation of the amount of
13 money requested in fees from the -- from Middle East Forum?

14 MR. CARSON: I -- first, I -- I guess I'd just
15 like to thank the Court and apologize for -- for not
16 showing up the day that we're talking about and then also
17 the -- for the second day that -- that you mentioned.
18 Since you didn't ask for a reason, I'm not going to -- I'm
19 not going to --

20 THE COURT: Sir, it tells me -- I don't -- it --
21 it -- it -- it doesn't --

22 MR. CARSON: It doesn't help.

23 THE COURT: Let me give you a little tip, though,
24 a little fair tip here. I used to represent borrowers, all
25 right? And I used to -- and -- and they -- they get behind

1 in bank payments, and I used to have a great line. Write
2 to the bank before you default. Write to the bank, like,
3 on the 26th, hey, I'm not going to make my payment on the
4 1st, because I represent -- I was a director of a bank, and
5 I used to appreciate the idea of people would write to us
6 and say, hey, look, I'm tight right now. I'm -- I'm -- I
7 haven't forgot you. I haven't forgot you.

8 You know, the worst curse is not insult. The
9 worst curse is apathy. The disrespect shown to opposing
10 counsel, its client, and me and this Court is that you
11 don't even write to us. You just ignore us. My strong
12 suggestion to you, this is a record of this hearing. My
13 strong suggestion to you is to don't ever do that again.

14 If you have problems -- we all have problems,
15 children. We all have problems with family. We all have
16 problems with our cars. We all have problems with trains.
17 We certainly understand all those problems, okay?

18 MR. CARSON: Yes.

19 THE COURT: This is not -- this is not a criminal
20 trial where somebody needs to be -- has to have their trial
21 every day or they -- or -- or they have a 6th Amendment
22 issue. So, we certainly understand that. To go and hide
23 from it is really, really, really bad, bad judgment, okay?

24 MR. CARSON: Yes, Your Honor.

25 THE COURT: That's my best advice to you because

1 had you not shown today, I can assure you that -- that the
2 sanction would have been at least the amount requested.
3 Showing me -- showing today showed me you understand and
4 have respect this Court and opposing counsel.

5 In the -- in the future when you run into these
6 problems and you don't make a hearing and it's a last-
7 minute thing and you don't make the hearing, file a motion
8 and say, Your Honor, I'm sorry. Excuse me. Please excuse
9 my error there. This is what happened. But write a letter
10 and write a joint letter with opposing counsel saying no
11 harm, no foul. Judge, we'll work it out.

12 To ignore it, cost you money, and whatever amount
13 of money -- whatever the family issue was that day, we all
14 have the ability to appreciate it five months later.

15 MR. CARSON: Yes, Your Honor.

16 THE COURT: What else, sir? Anything else? I
17 appreciate your apology, though.

18 MR. CARSON: So, I guess the only other thing I
19 would mention with regard to your consideration of the
20 amount would be that I don't think that any work was done
21 above and beyond what would have been done anyway, but
22 just --

23 THE COURT: Let me say something to you. I'd be
24 very careful right there.

25 MR. CARSON: Right.

1 THE COURT: The federal rules require a
2 cooperative effort.

3 MR. CARSON: Right.

4 THE COURT: That, in my view, means that you have
5 at least 50 percent of the play.

6 MR. CARSON: So, that --

7 THE COURT: So I'd stop with that argument.

8 MR. CARSON: That -- Yeah, I'll stop. I'll stop
9 there and -- I'll just apologize.

10 THE COURT: I hope you don't let opposing counsel
11 just file things, representing your position without you
12 having input on it.

13 MR. CARSON: Right.

14 THE COURT: Right? You don't do that, do you?

15 MR. CARSON: No, Your Honor. Nothing else then,
16 Your Honor.

17 THE COURT: Okay. Mr. Cavalier, anything for
18 you, sir?

19 MR. CAVALIER: Your Honor, no, other than the --
20 the statement that I will represent to the Court that
21 whatever sanction is issued, we will -- we will defer to
22 your judgment. And I can pledge to the Court that, to the
23 extent possible, I will seek my client's permission to
24 forgive that. I can't guarantee it, but again, I -- I
25 certainly respect the Court's judgment here. I respect the

1 position that Mr. Carson is in.

2 I don't like being here for these kinds of
3 things, but again, on behalf of my client and my firm, we
4 will defer to the Court's judgment.

5 THE COURT: It's not my -- I -- I'm not entering
6 -- I'm not requiring Middle East to do whatever they wish
7 to do. It's -- they are a sophisticated entity. They
8 understand certainly what they need to do or not do.

9 MR. CAVALIER: Understood, Your Honor.

10 THE COURT: That's their judgment.

11 MR. CAVALIER: Fair enough.

12 THE COURT: It sounds like they have two other
13 cases at least going on with other people. So, this --
14 this -- this -- this issue of what happened to these people
15 is not over --

16 MR. CAVALIER: That's correct.

17 THE COURT: -- this morning. So, people have to
18 get along with each other.

19 MR. CAVALIER: Certainly.

20 THE COURT: And it seems you two do, and it seems
21 that that's what good lawyers do.

22 MR. CAVALIER: Absolutely.

23 THE COURT: They put aside the -- the client's
24 rancor and they get to -- get to business. So, I
25 appreciate -- and I would urge your client be mindful of

1 that.

2 MR. CAVALIER: Absolutely, Your Honor.

3 THE COURT: All right? That there's not a --
4 there is no glory in this. This is a lesson to Mr. -- Mr.
5 Carson and Mr. Wilson and his firm and unless -- and -- and
6 frankly, recognize -- if I were Middle East or I -- if I
7 were inside Middle East and I don't know what kind of
8 entity it is, but if I were an owner of it, I'd probably be
9 thinking why would I pay for something I didn't get? And
10 that -- and that's -- that's what we all have to think
11 about.

12 MR. CAVALIER: Certainly.

13 THE COURT: Okay.

14 MR. CAVALIER: Thank you, Your Honor.

15 THE COURT: I -- I will take under advisement and
16 issue an order appropriately. Mr. Carson, again, I
17 appreciate your respect in being here today.

18 MR. CARSON: Thank you, Your Honor.

19 THE COURT: Thank you very much. Court is
20 adjourned.

21 MR. CAVALIER: Thank you, Your Honor. Good to
22 see you again.

23 THE BAILIFF: All rise.

24 (Proceeding Adjourned at 11:15 a.m.)

25

1 CERTIFICATION

2
3 I, Robert Perkins, court approved transcriber,
4 certify, that the foregoing is a correct transcript
5 from the official electronic sound recording of the
6 proceedings in the above-entitled matter.

7
8 August 20, 2020

9 Date

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13 Robert Perkins, Transcriber

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EXHIBIT I

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CAITRIONA BRADY, : CIVIL ACTION
Plaintiff, :
vs. :
THE MIDDLE EAST FORUM, : NO. 19-5082
Defendant. :

PHILADELPHIA, PENNSYLVANIA

AUGUST 13, 2020

BEFORE: THE HONORABLE MARK A. KEARNEY, J.

APPEARANCES:

DEREK SMITH LAW GROUP PLLC
BY: SETH D. CARSON, ESQUIRE
SAMUEL C. WILSON, ESQUIRE
1835 Market Street, Suite 2950
Philadelphia, PA 19103
And
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Counsel for the Plaintiff

COZEN O'CONNOR
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Official Court Reporter
James A. Byrne U.S. Courthouse
601 Market Street
Philadelphia, PA 19106
(215) 779-5578

(Transcript produced by machine shorthand via C.A.T.)

1 (Deputy Clerk opened court)

2 THE COURT: Good afternoon. Please be seated.

3 ALL COUNSEL: Good afternoon, Your Honor.

4 THE COURT: We're here today on a show cause hearing
5 and on a motion for contempt filed by defendant Middle East
6 Forum. I'd like to enter the appearance for the defendant,
7 the movant.

8 MS. BENSON: Good afternoon, Your Honor. Leigh Ann
9 Benson for the defendant.

10 THE COURT: Good afternoon. And on behalf of -- I
11 have counsel for Ms. Brady, two counsel of record. Can I have
12 their entry of appearance, please.

13 MR. CARSON: Seth Carson on behalf of Caitriona
14 Brady.

15 THE COURT: All right.

16 MR. WILSON: Samuel Wilson on behalf of Ms. Brady.

17 THE COURT: All right.

18 MR. SMITH: Derek Smith. Good afternoon, Your
19 Honor.

20 THE COURT: Good afternoon.

21 All right, so we are here today, Ms. Benson, on your
22 motion. I understand from a response that there was a payment
23 made, so it's a part of your motion, but why don't you address
24 where we sit right now and I can decide what I need to do.

25 MS. BENSON: Sure. That's correct, Your Honor. So

1 we did receive the payment for the \$954.50. I believe it
2 was --

3 THE COURT: Okay.

4 MS. BENSON: -- the day after we filed our motion
5 for contempt. We're here because we were hoping to recover
6 and are seeking to recover our fees associated with filing
7 that motion for contempt, the research and drafting that went
8 into that motion, and now perhaps the time that we spent
9 preparing to be here today and also for the time for my
10 appearance. However, I've been speaking with plaintiff's
11 counsel, Ms. Brady's counsel, prior to this hearing and was
12 hopeful that we could reach a resolution and I'll let Mr.
13 Smith address that if that's okay with you.

14 THE COURT: Certainly. Mr. Smith, I appreciate --
15 are you a member of the Bar of this Court, sir?

16 MR. SMITH: I certainly am, Your Honor.

17 THE COURT: Well, I'm pleased to welcome you back
18 and I will not swear you in, but I'll certainly hear from you
19 as counsel then if you wish to address me. If I need to take
20 evidence, I'll swear you in separately, but I'm glad to hear
21 from you as counsel and I appreciate the respect you've shown
22 to the Court in being here.

23 MR. SMITH: Absolutely, Your Honor.

24 THE COURT: When speaking, take down your mask.

25 MR. SMITH: Thank you, Your Honor. So we were

1 wrong. We were wrong on at least three accounts, and if Your
2 Honor wishes, I'm happy to recount those three levels that we
3 were wrong because I recognized after I discussed what
4 happened with my Philadelphia partner, Mr. Wilson, as well as
5 his associate, Mr. Carson, I said, "This can never happen
6 again. I want to know why it happened. I want to know what's
7 going on. I want to know what we're missing. I want to know
8 what's missing in our system that is not allowing us to show
9 proper respect for the Court." And I read Your Honor's order
10 and it said that if we don't cure by a certain date, then we
11 have to come in. I do understand that we did cure by a
12 certain date, but that defense counsel wants to press their
13 motion for contempt and I don't blame them. And what I did
14 before this hearing, Your Honor, is I said, "Do you know what,
15 we're going to pay you the \$4,200," that she's approximating
16 it is going to be costing her -- their client for the making
17 of the contempt motion as well as appearing for today. I said
18 that our good reputation in the community is much more
19 important as well as showing respect for the Court and for our
20 adversaries. So with as much respect as I could possibly
21 muster, I apologize to the Court for the error. If Your Honor
22 wishes, I could explain the personal problems that were going
23 on with Mr. Carson, but I'm happy to say that we have been
24 able to resolve it with defense counsel.

25 THE COURT: All right. Let me address in a moment

1 how we do that and I do appreciate the professionalism and I
2 do appreciate, again, the respect you've shown, sir, to be
3 here and Mr. Wilson.

4 MR. SMITH: Thank you.

5 THE COURT: Mr. Carson came before me on July 6th
6 and I think he was absolutely appropriate as an attorney, told
7 us of the problem and we were aware of the issue for him.

8 What bothers us is that we then enter an order that
9 requires payment, all right, and there's no payment, which
10 you're good lawyers, and if you were on the other side, I'm
11 pretty sure you'd be saying the same thing that Middle East
12 Forum's counsel is saying. I'm sure you would. I've seen you
13 guys on occasion. I'm sure you'd be saying, "Judge, this
14 isn't fair." And, yes, it's not fair, but it is also
15 disrespectful and I don't think that's something you want to
16 do. I am not a judge that's going to send you to Disciplinary
17 Counsel unless I came here today hearing some reasons that I
18 didn't find credible that would again stretch the limits of
19 what I think is appropriate, but I would like to know, though,
20 from anybody who has the competence to tell me why, the
21 competence to tell me if they know why my July 6th order that
22 told Mr. Carson really that he is not to write this check and
23 then he writes an e-mail suggesting that's he going to write
24 this one "from my own account" and it still wasn't paid. That
25 is really a shot at the Court and I'd like to know why that

1 was.

2 Yes, Mr. Wilson? Thank you.

3 MR. WILSON: Yes. If I may, Your Honor, first of
4 all, I want to let Your Honor know I actually write all the
5 checks for the Philadelphia office. I wrote that check the
6 day that the contempt order came out and as soon as I became
7 aware of it. Perhaps it's my fault. I should have been on
8 the docket sooner.

9 THE COURT: Why weren't you aware when it came out
10 on July 6th?

11 MR. WILSON: I was not on the docket at that time
12 and Mr. Carson -- I knew -- if I could dial back. I knew that
13 there was a hearing for a potential sanction and I knew that
14 the date of that hearing, it was left open ended. Mr. Carson
15 did fail to inform me that an affidavit was filed by Middle
16 East Forum stating that they did have a cause and he did fail
17 to ask me for the check. If I had known, I assure you, I
18 write checks daily immediately for everyone, and I obviously
19 would have, so it was a failure of my knowledge to not write
20 the check, and as soon as I became aware of it, that's why
21 immediately when I got your order, I wrote the check that day.
22 I actually made Mr. Carson take it to their office directly,
23 but Mr. Walton wasn't there that day.

24 And if I may speak on Mr. Carson's behalf, that
25 e-mail that says he paid from his account was a snippet. He

1 and Mr. Walton were having a back and forth conversation and
2 Mr. Walton corrected Seth and said, "You have to pay it from
3 the firm." And Seth says, "Oh, I know," he says, "I feel like
4 the Judge was giving me a break that day saying that, but I
5 don't think that he did." And I don't think that Mr. Carson
6 ever didn't want to tell me because he felt he was going to be
7 in trouble because I said to him the day of the sanctions
8 hearing, "Just keep me posted. Let me know what goes on
9 because then I can take care of it." And my attorneys would
10 never pay anything from their personal accounts on anything
11 related to business. I can assure you that there was more to
12 that e-mail chain. That is a little misconstrued. There was
13 more back and forth with Mr. Carson saying that he would get a
14 check from the firm. That was a -- kind of a snapshot of an
15 entire thread which is kind of unfair and paints Mr. Carson in
16 a bad light.

17 THE COURT: Explain that to me. I'm looking at an
18 e-mail that comes out on July 27th, 1:40, that says -- it says
19 that payment was due July 20th and then there's a response at
20 5:02 that same day saying, "I will make it happen." Now this
21 is, of course, already a week late.

22 MR. WILSON: Yes.

23 THE COURT: "So I might have to write this one from
24 my own account." Are you saying I received an exhibit that is
25 not -- that somebody relies on sent to the Court that is not a

1 complete e-mail chain?

2 MR. WILSON: It's not complete. There are e-mails
3 that come after that where Mr. --

4 THE COURT: After what? I'm sorry?

5 MR. WILSON: After Mr. Carson's reply, "I might have
6 to write this out of my own account."

7 THE COURT: Oh, okay.

8 MR. WILSON: There are further e-mails where that
9 conversation continues.

10 THE COURT: Okay.

11 MR. WILSON: Yes, it was in continuity because I've
12 seen the thread.

13 THE COURT: Okay. So just to be clear, Mr.
14 Carson's response, though, at 5:02 p.m. is directly responsive
15 for the one at 1:40 p.m.?

16 MR. WILSON: That's correct.

17 THE COURT: There are no e-mails in between that?

18 MR. WILSON: No, not between that.

19 THE COURT: So after that, there are e-mails?

20 MR. WILSON: Yes. There are e-mails, yes.

21 MS. BENSON: Your Honor, if I may?

22 THE COURT: Yes.

23 MS. BENSON: What Mr. Wilson is saying doesn't have
24 anything to do --

25 THE COURT: I can't hear you. Take down your mask.

1 MS. BENSON: As far as the e-mails that came after
2 that, Mr. Wilson was paraphrasing them and I am not
3 disagreeing with his -- how he's paraphrasing them. There was
4 something along the lines of Mr. Carson saying that "Judge
5 Kearney was trying to do me a favor, but I'm not sure if he
6 did." When we were drafting our motion, instead of sending
7 the entire e-mail chain, we did not want to submit something
8 to this Court where Mr. Carson was commenting on you.

9 THE COURT: Right.

10 MS. BENSON: We did not think that that would be
11 fair or appropriate, but I will represent to you that that
12 is -- there are no e-mails missing. Those were the direct
13 communications. There was just a follow-up e-mail.

14 THE COURT: All right. So, Mr. Wilson, I'll let you
15 speak. You may not know this, Mr. Wilson, and I expect Mr.
16 Smith really wouldn't know this, but on July 6th, I asked Mr.
17 Carson if he had counsel because I was concerned about his
18 ability to answer questions given the fact it's his reputation
19 at risk.

20 MR. WILSON: Okay.

21 THE COURT: And no lawyer wants to be that person.
22 Whether you have the experience of you and Mr. Smith or you
23 have the experience of Mr. Carson or the experience of someone
24 else, nobody wants to be that person to stand up and defend
25 themselves. So I asked him, "Do you have counsel," because,

1 as I said, I was concerned of what's happening here and Mr.
2 Carson said, "No, I'm okay," which led me to be concerned.
3 Mr. Carson did say that he wrote that e-mail, it's pretty
4 accurate, and I was giving him a break in a sense of saying
5 law firms make the money, individual lawyers don't make money,
6 that's how it works, but also give him a break because I
7 thought that when you have a sanctions motion, maybe it's
8 better to have your partner come because Mr. Carson made some
9 admissions that he probably shouldn't have and that you should
10 be concerned about, okay?

11 MR. WILSON: I will address that with all the
12 attorneys in my firm.

13 THE COURT: I'm not suggesting anything. Believe
14 me, I'm not looking for more work, but having said that,
15 that's what it was, okay? Yes, the idea was I was giving him
16 a break in the sense that I was not requiring him to write a
17 check, I didn't think that was appropriate, but I was also
18 saying maybe next time the law firm should say if we have a
19 sanctions hearing, we should be here.

20 Now, why is it, Mr. Wilson, you would not have known
21 that there was an order in a sanctions hearing that you were
22 aware of that required payment and you would not have known
23 that until the motion of August 5th?

24 MR. WILSON: Mr. Carson didn't tell me that -- I --

25 THE COURT: You just didn't know.

1 MR. WILSON: I honestly did not know, yes. Like I
2 said, I knew that that hearing transpired. I was told what
3 happened at the hearing. I knew that it was open ended. I
4 was never made aware after that fact until that order that an
5 affidavit was filed about the costs.

6 THE COURT: Okay. Your law firm, Mr. Smith, is a
7 very busy law firm in this court. You do good work in this
8 court. You have a lot of judges in this court who see your
9 work. I don't want to write something that's going to affect
10 the causes of people who come to you with their cases and
11 place their confidence in you. I just have to tell you that.
12 So I'm not going to write something along those lines, but I
13 have to tell you that this just doesn't go. This is not
14 some -- this is for any court -- but this is not some court,
15 though, that's going to forget about this, the United States
16 District Court. We kind of keep track of these things,
17 deadlines, things like that. Federal Rule 1 sort of keeps us
18 on our toes. And so I'd urge you, whatever you need to do,
19 you and Mr. Wilson and whoever is supervising, please be sure
20 that the really good work that you do for so many people
21 doesn't get discounted by some type of outside factor, some
22 good lawyer on the outside saying, "Oh, look at what Judge
23 Kearney said in August of 2020," all right? That's not fair
24 to your clients and it's not fair to the interest of justice
25 to those clients. And so I'm not going to -- if there was a

1 different answer today, I may have considered an appropriate
2 referral. I appreciate the fact that you came here today
3 because I was concerned that there was, in all candor, the
4 attitude of, Well, until the sheriff's at the door, we're not
5 paying, okay? That's the idea you get when you hear no
6 payment -- there's a court order, don't show up at hearings,
7 and no payment, okay? That's not the oath that you took, any
8 of you took, and this is a very small court and those of you
9 who practice here know how close we are -- we really all are.
10 So I urge you to please be mindful. As I say, you just can't
11 get back a reputation. It's one bad event, all right, one bad
12 night at a restaurant and I'm not going to make this a bad
13 night.

14 MR. SMITH: Thank you very much, Your Honor.

15 THE COURT: But I am going to order -- so what I'm
16 going to require you to do, Ms. Benson, is to do the same
17 thing again. I want an affidavit from whoever; that you bill
18 them and I'm going to cap it at \$4200. I want you to send it
19 to Mr. Wilson and Mr. Smith and tell them exactly what the
20 bill is. I don't want you to do some dummy bill, I want the
21 real bill, and send it to them and whatever that dollar is to
22 the penny, obviously, up to a total of \$4200 max. Upon
23 receipt of that affidavit that it's been paid, I want you to
24 reimburse the check to Middle East Forum, not to the firm.
25 The firm will be paid. The idea here is that it's the client

1 that is harmed, not the firm. It's the same here that it's
2 your client that's harmed. So is the firm, fine, and you're
3 going to get paid by the client. By the same token, the
4 client is the one who's injured because they had to go through
5 this and they don't expect it nor do you.

6 So I'm going to see you again. Mr. Smith, maybe
7 better days, maybe you'll try a jury trial one of these days,
8 but I urge you to be mindful that we won't forget. I won't
9 say anything, but, you know, we won't forget either and so be
10 thoughtful about how you're handling our docket and how you
11 measure your respect for the Court.

12 Does the defendant understand my order about
13 getting this -- I want this -- before you send the affidavit
14 over, I want it paid.

15 MS. BENSON: Yes, Your Honor.

16 THE COURT: All right, so I want a bill, you know,
17 this is the bill. Here's the bill. Send it over to the firm
18 and here's the affidavit from -- it's redacted because I don't
19 want your attorney work product. But here's the bill we sent
20 and tell them what you did for it and this is who you make it
21 payable to, Middle East Forum, or whatever 1099 or whatever --

22 MS. BENSON: Yes, Your Honor.

23 THE COURT: Okay, once that's paid -- once that's
24 sent over at your earliest convenience, you should be able to
25 do it relatively quickly, I want it over by the 15th of this

1 week.

2 MS. BENSON: Yes, Your Honor.

3 THE COURT: Get the bill over to them and I want
4 this thing paid and all cleared up by the end of the month.

5 Understood?

6 ALL COUNSEL: Yes, Your Honor.

7 THE COURT: Anything further on the motion? The
8 motion is granted and I'm going to say here "upon the consent,
9 a partial consent of the plaintiff" in the Court's order, all
10 right?

11 MS. BENSON: Yes, Your Honor.

12 THE COURT: Do you understand?

13 MS. BENSON: Yes.

14 THE COURT: Mr. Wilson, any further questions from
15 you, sir?

16 MR. WILSON: No, I have nothing, Your Honor.

17 THE COURT: Mr. Smith?

18 MR. SMITH: Nothing, Your Honor.

19 THE COURT: Mr. Carson, I've not heard from you.

20 Anything you wish to say, sir?

21 MR. CARSON: Just to apologize to the Court and to,
22 you know, defendant's counsel and defendant.

23 THE COURT: Okay. We'll see you again, all right?
24 Just be mindful of where we are, all right?

25 Mr. Smith, again, I'll tell you for the third time

1 only because I mean it. You've shown considerable maturity in
2 judgment being here today and not trying to -- I understand
3 what it took for you to come, I appreciate that, and I know
4 it's hard to get here from New York and I appreciate all of
5 that in that respect. This was too serious to the integrity
6 of this Court and I appreciate the respect you've shown to the
7 Court.

8 Thank you very much. The hearing is adjourned.

9 (Court adjourned)

10 C E R T I F I C A T E

11
12 I certify that the foregoing is a correct transcript
13 from the record of the proceedings in the above-entitled
14 matter.

15 *Kathleen Feldman*

16 Kathleen Feldman, CSR, CRR, RPR, CM
17 Official Court Reporter

18 Date: August 18, 2020

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